

**MINUTES
ORANGEBURG COUNTY COUNCIL
October 21, 2013
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.
Janie Cooper-Smith, Vice Chairman
Heyward H. Livingston
Willie B. Owens
Johnny Ravenell
Harry F. Wimberly
Clyde B. Livingston**

MEMBERS ABSENT:

OTHERS PRESENT:

**Harold M. Young, County Administrator
Angel Howell, Executive Assistant**

CALL TO ORDER

Johnnie Wright, Sr., Chairman

MOMENT OF SILENCE

Moment of silence observed

APPROVAL OF MINUTES

October 7, 2013

Motion by Councilwoman Cooper-Smith with correction, seconded by Councilman Ravenell, to approve minutes of October 7, 2013 with corrections, if any. Motion passed unanimously.

PUBLIC COMMENTS:

AGENDA ITEMS

Claudia Pauling

Mrs. Pauling stated that she was a native of Elloree, SC and wanted to address item number 7. The complaint made by Mrs. Pauling was that the store does not require identification when using credit cards. She stated that the reason for the store's request for rezoning was due to the need for protection from young people in the area, but they are not thinking about the well being of the citizens.

PUBLIC COMMENTS:

OTHER MATTERS

None

1. RESOLUTION TO AMEND AN AGREEMENT

A RESOLUTION TO AMEND THAT CERTAIN AMENDED AND RESTATED MULTI-COUNTY PARK AGREEMENT, DATED MAY 17, 2010, AS SUBSEQUENTLY AMENDED, GOVERNING A JOINT COUNTY INDUSTRIAL PARK BY AND BETWEEN DORCHESTER COUNTY, SOUTH CAROLINA, AND ORANGEBURG COUNTY, SOUTH CAROLINA, TO AUTHORIZE THE EXPANSION OF THE BOUNDARIES OF THE PARK; AND OTHER MATTERS THERETO RELATED

Chairman Wright asked County Administrator Young to give a brief summary for those who were not present at the last meeting. Administrator Young stated that this is a way that a company can take advantage of tax funds by doing a multicounty industrial park agreement with bordering counties. Mr. Young stated that once that happens, in return, the company in itself will make an agreement between the two counties.

Chairman Wright asked for a motion. Councilman Willie B. Owens made a motion it was seconded by Councilman Heyward Livingston to pass this resolution as stated. Motion carried.

2. ORDINANCE- THIRD READING AND FINAL READING

ORDINANCE OF THE COUNTY COUNCIL OF ORANGEBURG COUNTY, SOUTH CAROLINA, APPROVING THE ISSUANCE OF NOT TO EXCEED EIGHTEEN MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS PRINCIPAL AMOUNT (\$18,250,00) CAPITAL PROJECTS SALES AND USE TAX REVENUE BOND ANTICIPATION NOTE (ORANGEBURG COUNTY, SOUTH CAROLINA, PROJECT), SERIES 2013, BY ORANGEBURG JOINT GOVERNMENTAL ACTION AUTHORITY; APPROVING THE FORM OF SAID NOTE; APPROVING THE FORM AND CONTENT OF THE NOTE PURCHASE AGREEMENT, THE CAPITAL PROJECTS SALES AND USE TAX FACILITIES COONSTRUCTION AGREEMENT, AND THE ASSIGNMENT AND SECURITY AGREEMENT; APPROVING, IN THE EVENT SAID NOTE IS NOT ISSUED, THE DEFEASANCE BY ORANGEBURG JOINT GOVERNMENTAL ACTION AUTHORITY OF ITS CAPITAL PROJECTS SALES AND USE TAX REVENUE BONDS (ORANGEBURG COUNTY, SOUTH CAROLINA, PROJECT), SERIES 2007 AND THE APPLICATION OF EXCESS FUNDS THEREFROM TO THE PAYMENT OF ITS CAPITAL PROJECTS SALES AND USE TAX REVENUE BOND ANTICIPATION NOTE (ORANGEBURG COUNTY, SOUTH CAROLINA, PROJECT), SERIES 2011; AND OTHER MATTERS RELATED THERETO.

Chairman Wright asked that County Administrator Young give a brief summary for those who were not present at other meetings. Mr. Young stated this was done

in lieu of the Supreme Court ruling that was pending. The ruling was in favor of Florence County, which paves the way to continue on with the full bond. This was a rollover to do that before the ruling of the Supreme Court. Councilman Owens asked that if all goes well, when the usage of the funds can be expected.

Administrator Young stated that several steps will have to be taken, and from there a time frame will be given. Administrator Young stated that he did not want to give a specific date, because it is unclear. Councilwoman Cooper-Smith stated that she asked a similar question a few weeks ago, and asked if the Florence situation caused a barrier. Administrator Young stated that before the Florence situation came about, the County started a first reading on the entire 84 million dollar bond process. Since the Florence situation, the 18 million dollar bond was introduced to recover just in case the Florence situation went the wrong way. From the financial standpoint, this tract seems better. Councilman Ravenell asked Administrator Young has the ruling concerning Florence County affected Orangeburg County. Administrator Young replied that it has affected the time frame because in the beginning it was 84 million dollars bond being requested. Once the case came to light, the 18 million dollar plan was pursued.

A motion was moved by Councilman Wimberly and seconded by Councilwoman Cooper-Smith to pass this ordinance for third and final reading. Motion carried.

3. ORDINANCE-THIRD READING

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A REFUNDING BOND ANTICIPATION NOTE IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING TWO MILLION ONE HUNDRED TEN THOUSAND (\$2,110,000) BY ORANGEBURG COUNTY, SOUTH CAROLINA IN ANTICIPATION OF THE RECEIPT BY ORANGEBURG COUNTY OF THE PROCEEDS OF THE SALE OF A SEWER SYSTEM IMPROVEMENT REVENUE BOND; AND OTHER MATTERS RELATING THERETO

Chairman Wright asked County Administrator Young to give a brief summary for those who may not have been to the previous meetings. Administrator Young stated that this was in reference to the funding for the USDA projects and refunding is being done to this bond in order to take advantage of additional funds that may be obtained to provide additional sewer services to the Area West of the Edisto.

Chairman Wright asked for a motion. A motion was made by Councilman Clyde Livingston to pass third reading, and was seconded by Councilman Owens. Motion Carried.

4. ORDINANCE-THIRD READING AND PUBLIC HEARING

AN ORDINANCE MAKING PROVISION FOR TAX ANTICIPATION BORROWING BY ORANGEBURG COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$4,500,000 IN ANTICIPATION OF BEGINNING THE 1ST DAY OF JULY, 2013 AND ENDING THE 30TH DAY OF JUNE, 2014; TO PRESCRIBE THE TERMS AND CONDITIONS OF SUCH BORROWING AND THE FORM OF NOTE TO BE EXECUTED EVIDENCING THE SAME; AND TO MAKE PROVISION FOR THE PAYMENT THEREOF

Chairman Wright asked that County Administrator Young give a brief summary. Administrator Young stated that this was done because of the USDA projects. Part of the process of paying the contractors requires signatures from USDA. The government shutdown slowed down the process, and funds had to be available to keep projects going. Councilman Owens asked County Administrator Young if any projects have been completed. Mr. Young stated that some projects have been completed and that numerous projects are weeks away from being completed. The Holly Hill Services building is expected to be completed in February. Water projects have reached the point where the lines are about to be hooked up, like in the town of Bowman and the town of Vance.

Chairman Wright asked for a motion. Councilman Ravenell made a motion, which was seconded by Councilman Owens to approve the anticipation in the amount of four million five hundred thousand dollars (\$4,500,000). Motion carried.

5. ORDINANCE-SECOND 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 TAX MAP NUMBER 0233-00-04-040.000 FROM FA (FOREST AGRICULTURAL) DISTRICT TO RC (RURAL COMMUNITY) DISTRICT; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

Chairman Wright asked that County Administrator Young give a brief summary for those who missed the previous meeting. Mr. Young stated that the purpose of this was to provide a gentleman the opportunity to open a funeral home in the area. It was approved by the Planning Commission and is their recommendation to approve the ordinance for second reading.

Councilman Heyward Livingston made a motion to approve the ordinance for second reading, which was seconded by Councilman Ravenell. Motion carried.

6. ORDINANCE- FIRST READING

AN ORDINANCE PROVIDING FOR AN EXTENSION OF THE INVESTMENT PERIOD AND TERMINATION DATE FOR MONTEFERRO USA, INC. UNDER ITS FEE IN LIEU OF TAX AGREEMENT WITH ORANGEBURG COUNTY PURSUANT TO SECTION 12-44-30(13) AND 12-44-30(17) OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED, THE ISSUANCE OF AN INFRASTRUCTURE CREDIT, AND OTHER MATTERS RELATED THERETO

Chairman Wright asked that County Administrator Harold Young give a brief summary. Administrator Young stated that he would turn the floor over to the attorney from the economic development office. It was stated due to the expiration of the Monteferro agreement at the end of the year, they are asking for a ten (10) year extension and also an extension on the investment period. The projected dollars investment, if County Council approves, will be spending a minimum of 2.1 million in expansions of the company that is located in the County. It also projected that it will create a minimum of 10 new jobs. They also plan on doing, within three years, 25,000 dollars worth of road improvements to the area and are seeking credit of \$8,333.33 per year. Councilman Owens asked how long Monteferro has been associated with the County. The answer given was five years. Councilman Ravenell stated that when a company wants to expand and hire more people, it is a positive in the County. Councilman Owens agreed with Councilman Ravenell, adding that it is just as important to keep the company here as it is to attract new ones.

Chairman Wright asked for a motion. Councilman Owens made a motion to approve first reading to extend Monteferro's fee. That motion was seconded by Councilman Heyward Livingston. Motion carried.

7. PRESENTATION OF PLANNING COMMISSION RESOLUTION TO COUNCIL – REQUEST FOR REZONING A PARCEL LOCATED AT 2930 CLEVELAND ST IN ELLOREE, TAX MAP #0282-12-05-001.000 FROM FOREST AND AGRICULTURAL TO COMMERCIAL GENERAL

Chairman Wright asked that County Administrator give a brief summary. Mr. Young stated that this was a request by Mr. Leo M. Ott to have 2930 Cleveland St. in Elloree rezoned from Forest Agricultural (FA) to Commercial General (CG). The property is adjacent to FA District on two sides and RG District on the other. The property owner wishes to place a billboard on this property. The request was recommended for approval by the Planning Commission. Councilman Wimberly asked why a resolution and an ordinance were being done for the same piece of property. That's what the statue calls for was the answer given to Councilman Wimberly.

Chairman Wright asked for a motion. Councilman Owens motioned to accept the request for rezoning and seconded by Councilwoman Cooper-Smith. Motion carried.

8. ORDINANCE-FIRST 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 TAX MAP NUMBER 0282-12-05-001.000 FROM FA (FOREST AGRICULTURAL) DISTRICT TO CG (COMMERCIAL GENERAL) DISTRICT; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

Chairman Wright stated the explanation has already been made for this property.

Chairman Wright asked for a motion. Councilman Heyward Livingston made a motion, which was seconded by Councilman Owens for first reading of the ordinance.

9. PROCUREMENT DEPARTMENT- ACCEPTANCE OF BIDS

- (1) DISPOSAL AND REMOVAL OF DEBRIS (PRE-EVENT CONTRACT)**
- (2) ROUGH GRADING AT THE WESTERN ORANGEBURG COUNTY**
- (3) HTE SOFTWARE**

(First Item)

Chairman Wright stated that County Administrator Young would explain the bids, and then continue to the next item. Administrator Young stated that there was a request for qualifications for the disposal of the debris of Orangeburg County. Mr. Young stated that it was recommended that it be taken to a committee and County Council will decide on the winning bid. Councilman Wimberly stated the prices of the bids, and asked what services would be rendered. County Administrator asked that Mr. Sinkler Boone answer that question. Mr. Boone stated that a decision can't be made solely based on the numbers, because it has to be further evaluated. Mr. Boone stated that the committee meeting will resolve all the issues and that it is an as needed contract in case of a disaster. Councilman Clyde Livingston thanked Councilman Wimberly for bringing up the issue. Councilwoman Janie-Cooper Smith asked if this would go to the landfill or not. Mr. Boone stated that it goes through other methods. Councilwoman Cooper-Smith then asked how will the County determine and approve a landfill and if there are certain landfills being looked at. Mr. Boone stated that the debris would end up at the County's landfill. Mr. Boone stated that any debris that comes from a disaster is measured by cubic yard, according to FEMA regulations. Councilman Ravenell then asked that if a minor disaster were to occur, would the \$952.48 be the total figure. Mr. Boone answered no and that it would depend on the amount of cubic yards of debris. Mr. Boone also stated that

the equipment and the labor on specific items would be factored into the price, per item. Councilman Wimberly asked if the same cubic yard would go to all of the categories. Mr. Boone stated that those numbers were applied to a proposed disaster that FEMA came up with. Councilman Wimberly asked if there would be a reimbursement. Mr. Boone stated yes and that the contract would be in place prior to a disaster. Councilwoman Cooper-Smith asked if that when the committee meets, are they to consider the two highest ranked vendors. Councilman Owens stated much more information is needed to take action.

Chairman Wright asked that a motion be made. Councilman Owens made a motion to approve the 1st item to a committee for further review. Councilman Ravenell seconded that motion. Motion passed.

(Second Item)

Chairman Wright asked that County Administrator Young give a brief summary. Mr. Young stated that on October 10, 2013 at 2:00 p.m., the County received ten (10) bids from potential contractors for the Rough Grading of approximately 100 acres of the Western Orangeburg County Industrial Park. Based on the review that was submitted, it was recommended that the bid be awarded to Richardson Construction Company, of Columbia, South Carolina in the amount of \$759,130.00. Councilman Ravenell stated that there is a significant difference between the bids. Councilman Wimberly stated that he has a problem with all the bids because of the rough grading and that there should be more for the amount of money being sought. Rough grading was defined as attempting to get the 100 acres of land shovel ready. Twenty plus contractors came on site. An engineering firm conducted the management meeting and the pre-bids so that everyone had the same definition of what was being sought. Attorney D'Anne Haydel stated that she needs clarification as to what is being approved so that she would be able to write the contract. Councilwoman Cooper-Smith asked if that definition was in the contract. It was concluding that rough grading was defined as being shovel ready or farmable.

Councilman Livingston made a motion to accept the bid. Councilman Owens seconded that motion. Motion carried.

(Third Item)

Chairman Wright asked that County Administrator Harold Young give a brief summary for the third sub item concerning HTE Software. Mr. Young stated that in light of the sewer project that is currently being worked on, the USDA water projects that the County is a part of, the County of Orangeburg has requested a quote from the current software vendor to add the billing suite for utilities and land management for Planning and Land Use. This will enable documentation and collection of payment for utility services. Mr. Young stated that HTE is the current financial software vendor; therefore approval is recommended for this based on this being a sole source quote. The software license fees are \$36,230.00 and annual maintenance fee is \$84,480.00 for two years of services. Councilman Wimberly asked that if the total for this package is \$105,595.00. County Administrator Young answered yes, because of the discount. Councilman Ravenell

asked what would happen after two years since that is the time specified. Mr. Young stated that the County would then fall under the regular maintenance fee.

Chairman Wright asked for a motion. Councilman Wimberly made a motion to approve the package as described, which was seconded by Councilman Owens. Motion carried.

10. SETTING OF THE MILLAGE RATES FOR THE FY 2013 TAX YEAR

Chairman Wright asked that County Administrator Young give a brief summary. Mr. Young stated that the following millage rates for the district funds are as follows: General fund 89.0, Capital Improvement 1.5, Solid Waste 10.0, Education 7.8, Debt Service 7.0. The County Fire District will be 17.0, New Brookdale Lighting District would be 3.2, the Whittaker Lighting District would be 5.7, and the Creekmoore Lighting District would be 6.0.

Chairman Wright asked for a motion. A motion was made by Councilwoman Cooper-Smith and seconded by Councilman Owens to accept the millage rates. Motion Carried.

11. AUTHORIZATION OF FY 2013 BUDGET CARRY FORWARDS ACCOUNTS

Chairman Wright stated that these rates have already been discussed and asked for a motion.

Councilman Wimberly made a motion to accept as read and it was seconded by Councilman Owens. Motion carried.

12. APPOINTMENTS

(1) APPOINTMENT OF A CONSTABLE FOR LITTER CONTROL

(2) APPOINTMENT OF A CLERK TO COUNCIL IN TRAINING

County Administrator Young stated that this is an appointment that is needed to carry out the litter enforcement duties, so that the person can begin to do his job. Councilman Ravenell asked if Mr. Harrison would be able to write citations. County Administrator Young answered that once Mr. Harrison is appointed he would be able to write citations.

Chairman Wright asked for a motion. Councilman Ravenell made a motion to appoint Mr. Bernard Harrison as a constable for litter control. Councilman Heyward Livingston seconded that motion. Motion carried.

County Administrator Harold Young stated that in light of the retirement of Jackie Turner, the former clerk to council, the County Council has gone through the process of naming a new clerk to council. Part of that process includes naming

a clerk in training first until a certain amount of procedures are completed. Once that is completed, the duties will be turned over officially. Councilwoman Cooper-Smith acknowledged Mrs. Angel Howell for a superb job as the interim Clerk to Council.

Chairman Wright appointed Megan Dangerfield as the Clerk to Council in training. Councilwoman Cooper-Smith made a motion to accept the appointment, which was seconded by Councilman Owens.

13. VOTE FOR EXECUTIVE SESSION

Chairman Wright asked for a motion. Motion was made by Councilwoman Cooper-Smith and seconded by Councilman Heyward Livingston. Motion carried.

14. EXECUTIVE SESSION

(1) PERSONNEL MATTER

15. VOTE FOR ADJOURNMENT

16. ADJOURNMENT

Councilman Wimberly voted for adjournment. Motion seconded by Councilwoman Cooper-Smith to adjourn.

Meeting adjourned.


Interim Clerk


Jolmie Wright, Sr., Chairman