

**MINUTES  
ORANGEBURG COUNTY COUNCIL  
July 6<sup>th</sup>, 2015  
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.  
Harry Wimberly  
Heyward H. Livingston  
Willie B. Owens  
Johnny Ravenell  
Janie Cooper-Smith  
Clyde Livingston**

**MEMBERS ABSENT:**

**OTHERS PRESENT:**

**Harold Young, County Administrator  
Jerrod Anderson, Deputy County Attorney  
Faith E Carter, Clerk to Council**

**CALL TO ORDER**

**Johnnie Wright, Sr. Chairman**

**On the 6<sup>th</sup> day of July, 2015, Chairman Wright called to order a regular session of the Orangeburg County Council at 5:30 pm.**

**MOMENT OF SILENCE**

**Moment of silence observed**

**Chairman Wright recognized Councilman Wimberly. Councilman Wimberly motioned that the agenda be amended to include the item, now referenced to as agenda item nine-b (9B), described as A RESOLUTION APPROVING THE APPLICATION OF BERKELEY COUNTY, SOUTH CAROLINA FOR MEMBERSHIP IN THE LAKE MARION REGIONAL WATER AGENCY, AND OTHER MATTERS RELATED THERETO and to include in the executive session an update on matters related to the budget and local government fund. Councilman Clyde Livingston seconded the motion. Motion was unanimously carried. (7-0-0).**

**APPROVAL OF MINUTES**

**June 24, 2015**

Chairman Wright asked for a motion to approve the minutes of the special session of the Orangeburg County Council held on the 24<sup>th</sup> day of June, 2015 as written. Councilwoman Cooper-Smith motioned to approve the minutes as written. The motion was seconded by Councilman Owens. Motion carried. (7-0-0).

**PUBLIC COMMENTS:**

**AGENDA ITEMS**

**NONE**

**PUBLIC COMMENTS:**

**OTHER MATTERS**

Deloris Frasier was recognized by Chairman Wright. Ms. Frasier took the podium and advised that the Stroman Center has begun the Summer Feeding program. Ms. Frasier advised that she asked for assistance in attempting to set up Microsoft Word on the computers since there is no internet service at the center. Ms. Frasier advised that this would allow the children to be able to learn something about computers while at the center. Ms. Frasier advised that upon inspecting the computers the individual helping her with the installation advised her that the computers had been tampered with – they were unplugged from the wall and the main connections were dismantled. Ms. Frasier requested that the County Council send someone to double check the findings and investigate this criminal act. Ms. Frasier requested that the individual responsible be prosecuted. Ms. Frasier advised that they were unable to locate the VCR connections but were provided with a card which enabled the children to watch television. Ms. Frasier advised that her personal feeling was that it is taking far too long for something to be done about this situation. Ms. Frasier advised that \$450,000 of taxpayer money has been spent on a building in a depressed area. Ms. Frasier advised that a new building could have been built for that amount. Ms. Frasier requested the members of Council go on record in support of removing the Confederate Flag.

Chairman Wright thanked Ms. Frasier for her comments and asked that she meet with County Administrator, Harold Young, at some point during this week so the Council can follow up on the progress at the center.

Chairman Wright recognized Ms. Delores Frasier. Ms. Frasier advised that an individual from this building did look at the computers and confirm her early statements. Ms. Frasier advised that they cannot get on the computers to even install Microsoft Word.

Chairman Wright advised that the Council will follow up with the County Administrator on this issue.

Chairman Wright closed the public comments portion of the meeting.

**1. ORDINANCE THIRD READING**

**AN ORDINANCE OF THE COUNTY COUNCIL OF ORANBEBURG COUNTY, SOUTH CAROLINA, INCREASING THE TELEPHONE E-911 SUBSCRIBER FEE FROM .92 TO .99 CENTS, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE**

Chairman Wright asked for an explanation from County Administrator, Harold Young. Administrator Young advised the .92 cent fee has been in effect for the last 19 years. Administrator Young advised that this ordinance will increase the fee by .07 cents. Administrator Young advised that the increased fee will help to pay for needed upgrades to the current 911 system.

Chairman Wright asked for a motion to approved agenda item number one (1) in third reading. Councilman Heyward Livingston motioned that agenda item number one (1) be approved in third and final reading. Councilman Owens seconded the motion. Motion carried. (7-0-0).

**2. ORDINANCE FIRST READING**

**AN ORDINANCE ACCEPTING THE TRANSFER OF THE AUTHORITY TO CONDUCT MUNICIPAL ELECTIONS IN THE TOWN OF COPE FROM THE COPE MUNICIPAL ELECTIONS COMMISSION TO THE ORANGEBURG COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS COMMISSION AND TO PRESCRIBE THE TERMS OF SUCH TRANSFER**

Chairman Wright recognized Councilman Wimberly. Councilman Wimberly motioned that agenda items number two (2) and three (3) be included in the same vote and that the Council approve the ordinance accepting the transfer of elections from the Towns of Santee and Cope to the Orangeburg County Board of Voter Registration and Election Commission. Councilman Ravenell seconded the motion. Motion carried. (7-0-0).

**3. ORDINANCE FIRST READING**

**AN ORDINANCE ACCEPTING THE TRANSFER OF THE AUTHORITY TO CONDUCT MUNICIPAL ELECTIONS IN THE TOWN OF SANTEE FROM THE SANTEE MUNICIPAL ELECTIONS COMMISSION TO THE ORANGEBURG COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS COMMISSION AND TO PRESCRIBE THE TERMS OF SUCH TRANSFER**

Chairman Wright recognized Councilman Wimberly. Councilman Wimberly motioned that agenda items number two (2) and three (3) be included in the same vote and that the

Council approve the ordinance accepting the transfer of elections from the Towns of Santee and Cope to the Orangeburg County Board of Voter Registration and Election Commission. Councilman Ravenell seconded the motion. Motion carried. (7-0-0).

#### **4. PRESENTATION OF PLANNING COMMISSION RESOLUTIONS**

- A) THE CONSIDERATION OF A REQUEST FROM WILLIAM E. CLARK (SANTEE SHORES, INC.) TO REZONE THE PARCEL OF 239 BALLARD LANE, SANTEE, SC. TAX MAP #0324-10-01-011.000 FROM RG (RESIDENTIAL GENERAL) DISTRICT TO RC (RURAL COMMUNITY) DISTRICT FOR THE PURPOSE OF A RESTAURANT.**
  
- B) THE CONSIDERATION OF A REQUEST FROM COUNTY COUNCIL TO REZONE THE PARCEL AT CLASSIC ROAD, BRANCHVILLE, SC. TAX MAP #0199-00-03-011.000 TO GRANT A REQUEST TO REZONE THE REFERENCED PROPERTY FROM FA (FOREST AGRICULTURAL) DISTRICT TO RC (RURAL COMMUNITY) DISTRICT**
  
- C) THE CONSIDERATION OF A REQUEST FROM KAKETTA W. BAILEY TO REZONE A PARCEL AT 1060 BAYVIEW STREET, HOLLY HILL, SC. TAX MAP #0331-00-02-022.000 FROM FA (FOREST AGRICULTURAL) DISTRICT TO CN (COMMERCIAL NEIGHBORHOOD) DISTRICT.**

Chairman Wright asked County Administrator Harold Young for an explanation. Administrator Young advised the Planning Commission met on June 17, 2015 to discuss the request of Santee Shores, Inc., to rezone property located at 239 Ballard Lane from RG to RC (agenda item 4-A) for the purpose of opening a waterfront restaurant. The property is located in between an old hotel and the Ballard's Point phase that is now a Wyndham Resort. There was no opposition to the request and as the area is commercial in nature, the Planning Commission voted unanimously to recommend approval of the request.

Agenda Item 4-B is a request from County Council to rezone property located on Classic Rd in Branchville from FA to RC to allow for the construction of ball fields for the community. There was no opposition to the request only questions about the proposed road improvements at the site. The Planning Commission voted unanimously to recommend the approval of the request.

Agenda Item 4-C is a request from Kaketta Bailey to rezone the property at 1060 Bayview St. from FA to CN to allow for a business at the location. The property is in a neighborhood

and is not close to any other businesses. The Planning Commission felt that this would constitute spot zoning and voted unanimously to recommend disapproval. Staff met with the property owner and informed her that she is allowed to have a business as a home occupation within her residence without rezoning.

Chairman Wright asked the questions from Council. No questions. Councilman Ravenell motioned that the Council uphold the recommendations of the Planning Commission as they related to agenda items 4A, 4B, and 4C. Councilman Wimberly seconded the motion. Motion carried. (7-0-0).

#### 5. 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 TMS # 0199-00-03-011.000 FROM FA (FOREST AGRICULTURAL DISTRICT) TO RC (RURAL COMMUNITY DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

Chairman Wright advised that agenda item number five (5) has been previously explained by the County Administrator, Harold Young. Chairman Wright explained that agenda item number five (5) is the ordinance for the request stated in agenda item four-b (4-B) and agenda item number six (6) is the ordinance for the request stated in agenda item four-a (4-A). Chairman Wright asked for a motion and a second approving agenda items five and six (5 & 6). Councilman Wimberly motioned that agenda items five and six (5 & 6) be approved. Councilman Ravenell seconded the motion. Motion carried. (7-0-0).

#### 6. 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 TMS # 0324-10-01-011.00 FROM RG (RESIDENTIAL GENERAL DISTRICT) TO RC (RURAL COMMUNITY DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

Chairman Wright advised that agenda item number five (5) has been previously explained by the County Administrator, Harold Young. Chairman Wright explained that agenda item number five (5) is the ordinance for the request stated in agenda item four-b (4-B) and

agenda item number six (6) is the ordinance for the request stated in agenda item four-a (4-A). Chairman Wright asked for a motion and a second approving agenda items five and six (5 & 6). Councilman Wimberly motioned that agenda items five and six (5 & 6) be approved. Councilman Ravenell seconded the motion. Motion carried. (7-0-0).

**7. COUNTY COUNCIL ADMINISTRATIVE COMMITTEE  
REPORT AND RECOMMENDATIONS**

**A) TIME, ATTENDANCE, AND LEAVE EMPLOYEE  
HANDBOOK POLICY**

Chairman Wright recognized Councilman Harry Wimberly, Chairman of the Administrative Committee. Chairman Wimberly advised that the Administrative Committee met on June 24, 2015 at 9:30 am. Chairman Wimberly advised that all the committee members attended and voted to approve the Time, Attendance, and Leave Employee Handbook Policy as amended. Chairman Wimberly advised that the committee would like the Council to accept its recommendation to approve the amended policy. Chairman Wright asked for questions. No questions.

Committee Chairman Wimberly motioned that the Council accept the recommendations of the Administrative Committee. Councilwoman Cooper-Smith seconded the motion. Motion carried. (7-0-0).

**8. RESOLUTION OF THE ORANGEBURG COUNTY COUNCIL  
AUTHORIZING REVISION OF THE ORANGEBURG COUNTY  
EMPLOYEE HANDBOOK, INCLUDING THE REMOVAL AND  
ADDITION OF POLICIES**

Chairman Wright asked for a motion and a second on agenda item number eight (8). Councilman Owens motioned that the resolution be approved. Councilman Heyward Livingston seconded the motion. Motion carried. (7-0-0).

**9. A RESOLUTION AUTHORIZING (1) THE EXECUTION AND  
DELIVERY OF A FEE IN LIEU OF TAX AND INCENTIVE  
AGREEMENT BY AND BETWEEN ORANGEBURG COUNTY,  
SOUTH CAROLINA (THE "COUNTY") AND A COMPANY  
IDENTIFIED FOR THE TIME BEING AS PROJECT SOLAR,  
ACTING FOR ITSELF, ONE OR MORE AFFILIATES OR  
OTHER PROJECT SPONSORS (THE "COMPANY"),  
PURSUANT TO WHICH THE COUNTY SHALL COVENANT  
TO ACCEPT CERTAIN NEGOTIATED FEES IN LIEU OF AD  
VALOREM TAXES WITH RESPECT TO THE**

**ESTABLISHMENT AND/OR EXPANSION OF CERTAIN FACILITIES IN THE COUNTY (COLLECTIVELY, THE "PROJECT")**

Chairman Wright asked for an explanation from County Administrator, Harold Young. Administrator Young yielded to the Deputy County Attorney for Economic Development, Jerrod Anderson. Attorney Anderson advised that what the Council has before them is a resolution that seeks to enter into an inducement agreement. Attorney Anderson advised the prospect desires to remain confidential through the name Project Solar. Attorney Anderson advised once the Fee-In-Lieu of Tax Agreement is authorized the prospect has promised a minimum investment of \$8.5 million. Attorney Anderson advised that the project is a solar farm with no new jobs and no SSRC.

Chairman Wright asked for questions from Council. Councilman Wimberly asked Deputy Attorney Anderson if there was a clause in the agreement to ensure that the company fulfills their part of the agreement. Attorney Anderson advised that those details have not been worked out yet and the prospect is only seeking an inducement agreement at this stage.

Chairman Wright recognized Vice-Chairwoman Cooper-Smith. Vice-Chairwoman Cooper-Smith asked in what form the agreement would come before Council. Deputy Attorney Jerrod Anderson responded that the final agreement would be in the form of an ordinance with an attached Fee-In-Lieu (FILOT) agreement for the Council's purview prior to any final agreements.

Chairman Wright recognized Councilman Owens. Councilman Owens asked how many jobs are attached to this new project. Chairman Wright advised that the company would not be hiring any new employees on an ongoing basis; the only new work would be the construction of the site.

Chairman Wright recognized Councilman Wimberly. Councilman Wimberly asked Economic Development Director Gregg Robinson if the Council could grant a FILOT without new jobs attached to it. Director Robinson advised that the Council could grant a FILOT without the prospect of new jobs.

Chairman Wright recognized Deputy Attorney Jerrod Anderson. Attorney Anderson advised the Council that FILOT is based off the capital investment that is brought by the company with a minimum investment of \$2.5 million.

Chairman Wright recognized Councilman Heyward Livingston. Councilman Livingston asked about the tax rate. Deputy Attorney Jerrod Anderson advised that the company would be taxed at six percent (6%).

Chairman Wright asked for a motion. Vice-Chairwoman Cooper-Smith motioned that the resolution be approved. Councilman Owens seconded the motion. Motion carried. (7-0-0).

**9-B. A RESOLUTION APPROVING THE APPLICATION OF BERKELEY COUNTY, SOUTH CAROLINA FOR MEMBERSHIP IN THE LAKE MARION REGIONAL WATER AGENCY, AND OTHER MATTERS RELATED THERETO**

Chairman Wright asked for an explanation from County Administrator Harold Young. Administrator Young advised in 1997-1998 the Lake Marion Regional Water Agency (LMRWA) was incorporated and several counties got together to establish LMRWA which Orangeburg County is a charter member. Administrator Young advised that sometime between 2010 and 2012 Berkeley County saw fit to leave the agency due to a change in leadership that occurred at that time. Administrator Young advised that LMRWA members agreed to purchase water at specific rate and anytime a member leaves the agency the burden of the lost county's water allotment shifts to the remaining member counties. Administrator Young advised that Berkeley County has recently had a change in leadership and believes it is in their best interest to return to the LMRWA. Administrator Young advised that each county has been asked to pass a resolution authorizing the return of Berkeley County to the LMRWA.

Chairman Wright recognized Councilman Wimberly. Councilman Wimberly asked if all the counties must approve the return of Berkeley County or just a majority. Chairman Wright responded that only a majority is necessary however, all counties are on the same page.

Chairman Wright recognized Councilman Ravenell. Councilman Ravenell advised that Berkeley County returning to the LMRWA is a relief to all the other counties.

Chairman Wright asked for motion and a second that the resolution be approved. Vice-Chairwoman Cooper-Smith motioned that the resolution be approved. Councilman Ravenell seconded the motion. Motion carried. (7-0-0).

**10. VOTE FOR EXECUTIVE SESSION**

Chairman Wright asked for a motion that the Council enter into executive session to discuss an economic development update and an update on local government funding from the state. Councilwoman Cooper-Smith motioned that the Council enter into executive session to discuss an economic development update and an update on local government funding from the state. Councilman Ravenell seconded the motion. Motion carried. (7-0-0).



**Councilmen's Comments:**

Chairman Wright recognized Councilman Ravenell. Councilman Ravenell asked if the County has ever experienced a situation in which a company that received a Fee-In-Lieu of Tax Agreement has ever forfeited and not paid. Deputy County Attorney, Jerrod Anderson, responded that he would have to research that issue and respond to Council at a later date.

Chairman Wright recognized Orangeburg County Economic Development Director Gregg Robinson. Director Robinson advised that in the last ten years the County has never had a FILOT defaulted.

Chairman Wright recognized Councilman Owens. Councilman Owens advised that he has visited Columbia on several occasions with the purpose of having the Confederate Flag removed. Councilman Owens advised that he must, in good conscience, endorse the work of the South Carolina State Senate and House to remove the Confederate Flag from the State House grounds. Councilman Owens advised he is unaware of the criteria that is utilized by the State of South Carolina for naming statues, banners, or other material on the State House grounds. However, it seems to be heinous the number of people and the names that are represented on state grounds. Councilman Owens advised that he hopes that the past will be an eye opener to every citizen in South Carolina and that we can live more peaceably and harmoniously as citizens of South Carolina. Councilman Owens advised that we have now seen what occurs when bias and hatred consume the mind.

Chairman Wright recognized Vice-Chairwoman Cooper-Smith. Councilwoman Cooper-Smith advised that she seconded Councilman Owens statements. Councilwoman Cooper-Smith stated that she openly supports the removing of the Confederate Flag and having it placed in a museum with other relics. Councilwoman Cooper-Smith advised that is sad that something so tragic must occur prior to the citizens receiving the benefit of something good. Councilwoman Cooper-Smith advised that everyone benefits from something good along with the economy of the state due to companies that are staying out of South Carolina for this reason. Councilwoman Cooper-Smith advised that she is hopeful considering the passage of the bill in the Senate at second reading (37-3) and she hopes that when the bill arrives in the House it will receive the two-thirds (2/3) majority that is needed for passage.

Chairman Wright recognized Harry Wimberly. Councilman Wimberly advised that he would like to follow up Councilman Ravenell's statements on Economic Development. Councilman Wimberly advised that new building that is being constructed in the St. Matthews Industrial Park was being served by trucks with out-of-state license plates. Councilman Wimberly advised they were pouring concrete and he believes that one of the local companies has been sold to an out-of-state company. However, the point is that in the Council's effort to recruit and bring development into the County the company's need to utilize local companies for supplies and building materials which should be stressed in

negotiations with those companies. Councilman Wimberly advised that as the County grows the local businesses should grow along with the County.

Chairman Wright recognized Councilman Ravenell. Councilman Ravenell advised that Councilman Owens statements regarding the removal of the Confederate Flag were well articulated and that South Carolina needs to continue to move forward. Councilman Ravenell advised that he concurs with those statements.

Chairman Wright advised that, for the record, he would also like to concur with Councilman Owens statements regarding the removal of the Confederate Flag.

## 11. EXECUTIVE SESSION


A) ECONOMIC DEVELOPMENT UPDATE


B) LOCAL GOVERNMENT FUND UPDATE

## 12. VOTE FOR ADJOURNMENT

Chairman Wright asked for a motion that the Orangeburg County Council stand adjourned. Councilman Owens motioned that the regular session of the Orangeburg County Council of July 6, 2015 be adjourned. Councilwoman Cooper-Smith seconded the motion. Motion carried. (7-0-0).

## 13. ADJOURNMENT

  
Faith E Carter  
Clerk to Council

  
Johnnie Wright, Sr.  
Chairman, County Council