



**MINUTES
ORANGEBURG COUNTY COUNCIL
February 5, 2018
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:

**Johnny Ravenell
Harry F. Wimberly
Ray W. Sabalis
Heyward H. Livingston
Willie B. Owens
Janie Cooper-Smith**

MEMBERS ABSENT:

Johnnie Wright, Sr.

OTHERS PRESENT:

**Harold Young, County Administrator
D'Anne Haydel, County Attorney
Connie N. Portee, Clerk to Council**

CALL TO ORDER

Janie Cooper-Smith Vice-Chairwoman

On the 5th day of February 2018, Vice-Chairwoman Janie Cooper-Smith called to order a regular session meeting of the Orangeburg County Council at 5:38 p.m.

APPROVAL OF MINUTES

January 16, 2018 (RS)

Vice-Chairwoman Janie Cooper-Smith advised Council they should have read the minutes and asked Council if there were any corrections needed to be made to the minutes on January 16, 2017. There were none.

Vice-Chairwoman Janie Cooper-Smith advised the minutes will stand as approved as written.

Vice-Chairwoman Janie Cooper-Smith advised the citizens of the purpose of public comments agenda items and public comments of other matters.

PUBLIC COMMENTS:

AGENDA ITEMS

NONE

COMMENTS:

OTHER MATTERS

Harvey Elwood, Jr. with New Perspectives Media came before Council to express their need for funding of their unified goals of improving Orangeburg County and Television Marketing.

Marion Shuler located at 211 Shore Drive came before Council to express his concerns for the road not being paved since year 2000.

Vice-Chairwoman Janie Cooper-Smith advised Mr. Shuler if his road is on the list to be paved she will do her best to make sure it is paved because he lives in her county council district.

1. A RESOLUTION HONORING DR. BENJAMIN F. PAYTON

Vice-Chairwoman Janie Cooper-Smith yield to Councilman Willie Owens.

Councilman Willie Owens read the proclamation in its entirety.

Vice-Chairwoman Janie Cooper-Smith entertained a motion to pass the resolution as read. Councilman Willie Owens made the motion. The motion was seconded by Councilman Johnny Ravenell. Motion carried. (7-0-0).

2. ORDINANCE THIRD READING AND PUBLIC HEARING

AN ORDINANCE AUTHORIZING (1) 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 BOWMAN, 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 FOR THE BENEFIT OF A SOLAR FARM PROJECT NOT TO EXCEED 1,000 ACRES AND FOR A TERM NOT TO EXCEED THE LEASE TERM OF THE PROJECT'S LEASE AGREEMENT(S), WHICH ARE ANTICIPATED TO BE TWENTY FIVE (25) YEARS; (2) THE AMENDMENT OF 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 BOWMAN, OR ONE OR MORE COMPANIES RELATED THERETO; AND (3) OTHER RELATED MATTERS

Vice-Chairwoman Janie Cooper-Smith yielded to Attorney Haydel for a brief summary Attorney Haydel advised project Bowman is construction of a solar farms south of the town

of Bowman. The project is before Council for public hearing and third reading of an ordinance. If Council pass the ordinance as it appears before you tonight Council is agreeing that the agreement that the ordinance authorizes contains all the terms that Council requested to be included during the executive session that it had with its negotiator Executive Director Gregg Robinson. Attached to the ordinance is a complete copy of the fee-in-lieu of ad valorem taxes agreement for the project and it states specificity exactly what State allowed economic development incentives the County is extending to the prospect in exchange for the prospect locating the project in Orangeburg County. There have been no changes between second reading and third reading in the Executive Summary, the Ordinance, or the Agreement the Ordinance authorizes. According to the Executive Summary, the prospect agrees to invest \$89 million in a solar farm in Orangeburg County in exchange for which the County will allow the prospect to have the following State-allowed economic development incentives: The prospect will pay a fee in-lieu-of-taxes for 25 years using a fixed millage rate of 387.1 mills and a fixed assessment ratio of 6%. A special source revenue credit for 25 years. (\$224,700 annualized fee for the entire project.) Inclusion in the Orangeburg-Dorchester Industrial Park. Director Robinson is in attendance at this meeting and has an opportunity during the public hearing to correct any of the information I just gave you and to answer any questions Council or the public have regarding Project Bowman or the terms of the agreement. At this point, the matter is currently before Council for a public hearing to be followed by third reading of the ordinance.

Vice-Chairwoman Janie Cooper-Smith open the floor for public hearing questions. There were none.

Vice-Chairwoman Janie Cooper-Smith entertained a motion to pass the ordinance for third and final reading. Councilman Harry Wimberly made the motion. The motion was seconded by Councilman Johnny Ravenell. Motion carried. (7-0-0).

3. ORDINANCE THIRD READING AND PUBLIC HEARING

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 01 TO PROVIDE FOR PAYMENT OF A FEE-IN-LIEU OF TAXES; AUTHORIZING THE INCLUSION OF PROJECT 01'S SITE IN A MULTI-COUNTY BUSINESS PARK; AUTHORIZING CERTAIN SPECIAL SOURCE REVENUE CREDITS; AND OTHER RELATED MATTERS

Vice-Chairwoman Janie Cooper-Smith yielded to Attorney Haydel for a brief summary Attorney Haydel advised Project 01 is an expansion of a long-time Orangeburg County industry's facilities to increase the industry's production capacity. The Project is before Council for a public hearing and 3rd reading of an ordinance. There has not been any changes between second and third reading. the prospect agrees to invest \$15 million in the expansion project and establish 20 new jobs in exchange for which the County will allow the prospect to access the following State-allowed economic development incentives: The prospect will pay a Fee (in-lieu-of-taxes) for 30 years using a millage rate fixed at that in effect on June 30,

2016 and a fixed assessment ratio of 6%. The prospect will receive a 25% special source revenue credit against the Fee for 10 years. The project will be included in the Orangeburg-Dorchester Industrial Park. If you have any questions regarding Project 01 or the terms of the Agreement, Director Robinson is in attendance to answer any questions. At this point, the matter is currently before Council for a public hearing to be followed by third reading of the Ordinance.

Vice-Chairwoman Janie Cooper-Smith open the floor for public hearing questions. There were none.

Vice-Chairwoman Janie Cooper-Smith entertained a motion to pass the ordinance for third and final reading. Councilman Heyward Livingston made the motion. The motion was seconded by Councilman Willie Owens. Motion carried. (7-0-0).

4. 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 # 028-00-03-005.000 FROM FA (FOREST AGRICULTURAL DISTRICT); TO CG (COMMERICAL GENERAL DISTRICT) AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

Vice-Chairwoman Janie Cooper-Smith yielded to the Administrator Young to give a summary. Administrator Young advised the planning commission met on December 13, 2017 to discuss the request of Lauren Coleman to rezone 1.91 acre parcel to be subdivided out of tax map #0208-00-03-005.000 property at 371 Farmstead Ln, which is located in Council district seven (7), Councilman Owens. The proposed parcel fronts on Hwy 33. The property is located on the Cameron side of I-26 and is within ½ mile of commercial and industrial zoning in both directions. The next door neighbors immediately adjacent spoke in favor of the proposal. The property owners behind the larger parcel spoke against the proposal. The request is in line with the comprehensive plan and the commission voted unanimously to recommend for Council approval.

Vice-Chairwoman Janie Cooper-Smith entertained a motion to pass the recommendation from the planning commission for third and final reading. Councilman Willie Owens made the motion. The motion was seconded by Councilman Harry Wimberly. Motion carried. (7-0-0).

5. ORDINANCE SECOND READING

AN ORDINANCE AUTHORIZING (1) 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 EAGLE, 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 FOR THE BENEFIT OF A SOLAR FARM PROJECT NOT TO EXCEED 1,000 ACRES AND FOR A TERM NOT TO EXCEED THE LEASE TERM OF THE PROJECT'S LEASE AGREEMENT(S), WHICH ARE ANTICIPATED TO BE THIRTY (30) YEARS; (2) THE AMENDMENT OF 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 EAGLE, OR ONE OR MORE COMPANIES RELATED THERETO; AND (3) OTHER RELATED MATTERS

Vice-Chairwoman Janie Cooper-Smith yielded to Attorney Haydel for a brief summary Attorney Haydel advised Project Eagle is construction of a solar farm southeast of the City of Orangeburg. This project is before Council for second reading of an ordinance. If Council passes the Ordinance as it appears before you tonight, Council is agreeing that the Agreement the Ordinance authorizes is written to include the terms Council requested be included during the executive sessions Council had with its negotiator, Executive Director Greg Robinson. If Council wants any changes to Agreement's terms, this would be the time to pass second reading contingent on third reading including whatever terms Council now desires to change. As currently written, the ordinance authorizes the prospect the benefit of State-allowed economic development incentives. Attached with the ordinance is a complete copy of the Fee-in-Lieu of Ad Valorem Tax Agreement for the Project and an amendment to a multicounty park agreement. The Agreement states with specificity the exact economic development incentives the County is allowing the prospect in exchange for the prospect locating the project in Orangeburg County. According to the Executive Summary, the prospect agrees to invest \$87.9 million in a solar farm in Orangeburg County in exchange for which the County will allow the prospect to access the following State-allowed economic development incentives: The prospect will pay a Fee (in-lieu-of-taxes) for 30 years using a millage rate fixed at the lowest in effect during the maximum statutory period and a fixed assessment ratio of 6%. The prospect will receive a special source revenue credit against the Fee for 30 years. (\$225,000 annualized fee for the entire project.) The project will be included in the Orangeburg-Dorchester Industrial Park. At this point, the matter is currently before Council for 2nd reading of the Ordinance.

Vice-Chairwoman Janie Cooper-Smith entertained a motion to pass the ordinance for second reading. Councilman Heyward Livingston made the motion. The motion was seconded by Councilman Johnny Ravenell. Motion carried. (7-0-0).

6. ORDINANCE FIRST READING BY TITLE ONLY

AN ORDINANCE PROVIDING FOR THE PURCHASE AND ACQUISITION OF EQUIPMENT TO BE USED BY ORANGEBURG COUNTY FIRE SERVICES; AUTHORIZING THE COUNTY ADMINISTRATOR TO PRESCRIBE THE FORM

**AND DETAILS OF THE LEASE PURCHASE FINANCING OF THE EQUIPMENT;
PROVIDING FOR THE PAYMENT OF THE LEASE PURCHASE FINANCING;
AND OTHER RELATED MATTERS**

Vice-Chairwoman Janie Cooper-Smith yielded to the Administrator Young to give a summary. Administrator Young advised the Orangeburg County Fire Services are in desperate need of replacement of an aerial apparatus truck for the West Middle Fire District. One reason that makes it crucial is the West Middle Fire District is responsible for the area that includes the industrial park and all the buildings around and most of them are two story buildings in some cases. The aerial platform allows the fire district to attack fires from the top making it prudent that we have multiple apparatuses throughout the County. To be able to service the citizens, the industrial corridors, and the hotels within that fire service district. The Fire Commission has made recommendation to purchase a new aerial device in the amount of \$951,222.00 the cost including financing will run approximately \$1,065,052.00. We have looked at it and recommended that this have been through a lease that we already have with PNC Equipment Finance, LLC. This proposal was viewed by the Fire Commission and they have approved it. It is now being forward to Council for final approval. If Council has any questions the Fire Chief Teddy Wolfe is in attendance.

Councilman Heyward Livingston asked would this be from one truck that is called a rattle truck.

Fire Chief Wolfe advised yes sir.

Councilman Johnny Ravenell asked would this truck be higher or tall enough to cover the new hotel in Santee or others that are being built in Orangeburg County.

Fire Chief Wolfe advised this new truck will be a hundred and ten foot high. This is the highest out on the market as of today, but this will service maximum business as we possibly can with this aerial device.

Councilman Heyward Livingston asked could the Fire District handle this amount out of the millage it has already collected.

Fire Chief Wolfe advised yes sir, the Fire District has been purchasing two engines every year since 1997 as of next year we will have the second engines that has been purchased for each of their fire stations going forward it was his recommendation to the Commission that we purchase one replacement engine to continue our program whatever is left over we would apply that to the annual payment.

Vice-Chairwoman Janie Cooper-Smith entertained a motion to pass the ordinance for first reading on item (6) and pass the resolution for item (7). Councilwoman Ray Sabalis made the motion. The motion was seconded by Councilman Harry Wimberly. Motion carried. (7-0-0).

7. A RESOLUTION AUTHORIZING THE LEASE-PURCHASE OF EQUIPMENT TO BE USED BY ORANGEBURG COUNTY FIRE SERVICES

Vice-Chairwoman Janie Cooper-Smith entertained a motion to pass the ordinance for first reading on item (6) and pass the resolution for item (7). Councilwoman Ray Sabalis made the motion. The motion was seconded by Councilman Harry Wimberly. Motion carried. (7-0-0).

8. APPROVAL OF THE ORANGEBURG COUNTY BUDGET CALENDAR FOR FISCAL YEAR 2019

Vice-Chairwoman Janie Cooper-Smith yielded to the Administrator Young to give a summary. Administrator Young advised each year the County sets up a budget calendar by State statute to be able to outline the process of the budget to the citizens of the County. The budget has been outline until it is approved in June, this is our recommendation to you for approval.

Vice-Chairwoman Janie Cooper-Smith entertained a motion to pass the 2019 budget calendar. Councilman Harry Wimberly made the motion. The motion was seconded by Councilman Willie Owens. Motion carried. (7-0-0).

Before Council had a vote for executive session Vice-Chairwoman Janie Cooper-Smith introduce the new County Treasurer Mr. Matt Stokes to the citizens of Orangeburg County.

9. VOTE FOR EXECUTIVE SESSION

Vice-Chairwoman Janie Cooper-Smith read the item for executive session and entertained a motion. Councilman Willie Owens made the motion. Councilman Johnny Ravenell seconded the motion. Motion carried. (7-0-0).

10. 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 GLOBAL**
- b. PROJECT 01**
- c. PROJECT RECYCLE**
- d. PROJECT OZ**

2) CONTRACTUAL MATTERS

LEGAL BASIS - FOIA EXEMPTION S.C. CODE 30-4 70(a)(2)(DISCUSSION OF NEGOTIATIONS INCIDENT TO PROPOSED CONTRACTUAL AGREEMENT)

VOTE FOR ADJOURNMENT

Vice-Chairwoman Janie Cooper-Smith entertained a motion for adjournment. Councilman Willie B. Owens motioned that the regular session of the Orangeburg County Council of February 5, 2018 stand adjourned. Councilman Johnny Ravenell seconded the motion. Motion carried. (7-0-0).

11. ADJOURNMENT

Meeting adjourned at 6:17 p.m.



**Johnnie Wright, Sr.
Chairman
Orangeburg County Council**



**Connie N. Portee
Clerk to Council
Orangeburg County Council**