

**City Council Minutes
February 21, 2017**

Orangeburg City Council held a Public Hearing on Tuesday, February 21, 2017, at 7:00 P.M., in Council Chambers with Mayor Butler presiding. The purpose of the Public Hearing was consideration of a Comprehensive Land Use Plan Change from Single-Family Residential to General Residential and a Zoning District Map Change from A-1 Residential Single-Unit District to A-2 Residential Multi-Unit District for property belonging to Jai Prakash Rai, located on Longwood Drive, TMP# 0174-09-06-020.000.

Attorney Charlie Williams, Williams & Williams Law Firm stated, "I'm here on behalf of Longwood Plantation and several neighboring residents. There have been issues in the past and I think Council is aware as they came before you in 2008 under the same issues. There is a planned 44 apartments on four acres. It is one thing if we want to make Orangeburg better and provide better living for our citizens, but this plan is just not up to par. There have been issues with litter and trash at his other sites. Even when he was developing this land, he had issues with the neighbors and issues with setbacks. The density at which this would be set, is too close proximity to Longwood and the residential facility and it does not comply with the Comprehensive Plan. In the Plan, it is asked that these sites be scattered so it does not look like a concentration. There are apartments on Columbia Road, which is not far from there. Also, they should be designed for compatibility to blend in with the proposed surroundings. I believe you will hear from other members that live in that area that this is a residential area. Many children play in that area. It is a great place to raise your children. A housing facility like this will just disrupt that environment. We would also be concerned with the increase in traffic, higher crime, drainage issues, water flow issues and reduction in the current property value. We are asking that you vote against this amendment tonight. Thank you."

Ms. Jo Peacock, Riley Street, Orangeburg, SC stated, "My property backs up to the property that has been mentioned for development. I have seen homelessness all over the world. I am not from here, but as a member of the Salvation Army, I know we do a lot of work with the homeless and those less fortunate. So, I see the need for housing for the people that are less fortunate. I bought the property on Riley Street because it was quiet and I need solitude for my work as I run a business from my home. Therefore, I am concerned for a loss of business and loss of income for me personally."

Councilmember Haire asked, "Can you state what type of business you have?"

Ms. Peacock stated, "I run an IT consulting and training company. I actually perform training classes from our home online. It requires a degree of quietness in the home and outside area in order for me to be able to do that."

Ms. Ruth Owens Harvey, of 2986 Landing Way, Orangeburg, SC stated, "I live just down the street from the proposed development. Mr. Rai would have you believe that we are a bunch of snobs who do not want lower income families with a bunch of children living near us. That is not the truth at all. We bought our homes in a single-family neighborhood. Most of us are getting older and we would like that neighborhood to remain a single-family neighborhood. I ask you to please vote against this Land Use Change. Thank you."

Mr. Fred Ford, 1687 Longwood Drive, Orangeburg, SC stated, "I just have one question. Those who are against changing the way it is now, would you please stand. Thank you."

Ms. Sarah Ford, 887 Carolina Street, Orangeburg, SC stated, "I live in the City of Orangeburg and I stand in strong opposition to the amendment to change this property. My family owned Longwood Plantation for a number of years and has had extension dealings with Mr. Rai. When Mr. Rai originally bought the property and tried to develop it, he developed it in such a way that it encroached on the property line that my family owned. Instead of handling it like neighbors as my family wanted to do, Mr. Rai refused to make things right. We want people to act neighborly

and we want people to be good stewards of resources. We want people to be kind and respectful. My families and my dealings were not that way. It has not been upheld that way. I fear for the neighborhood and I fear for Longwood Plantation if this change is allowed, that this property will become like his other properties that are glorified slums. We do not need this type of development in Orangeburg County. We need appropriate housing. We need good housing. We need good and respectful individuals to manage those properties. I think that the past is not necessarily an indicator of the future, but I do think it is a good way for us to see how things have ended in the past and how things look to the future. I stand strongly against changing this. Thank you."

Ms. Diane Weeks, 2943 Riley Street, Orangeburg, SC 29118 stated, "I have lived here since 1989. When I purchased by property it was to be for single-families. Being in finance for forty-three years, I'm very much knowledgeable how surrounding properties affect the values of my property, which is one thing that I am very concerned about. I do not have a problem with people living in rental property as I grew up in rental property. My parents never owned a home. We lived in duplexes, triplexes and some areas that were not the best. I do not have anything against individuals that live there as I am a product of that. I tell you that it is important for the owner of the properties that they take care of it. When we looked at this in 2008, his plans then were to build 12 quads that is 48 apartments on four acres. Now his plans are to build 20-22 duplexes plus he already has a quod there now. I stand very much against this. I don't have anything against Mr. and Mrs. Rai, but I am very much against this. I hope you will also find that this is not in the best interest of Orangeburg or this area. Thank you."

Mr. Terry McMath, 3198 Landing Way, Orangeburg, SC stated, "I have been a resident of Orangeburg for almost twenty-five years now. Virtually for that entire period, my wife and I have owned a home in The Landing. We take great pride in our property and we love our neighborhood. Our neighbors are wonderful to say the least. It's not just The Landing, it's the surrounding area as well. Anytime of day, you can drive through our area and see people running or walking their dogs. We are neighbors in every sense of the word. Establishing some 40 homes on a four-acre plot will result in the lowering of property values and that is important to me. I want to make sure that my family is safe in the home that we have chosen to live in. The properties in the area are well maintained. We feel safe. In my opinion, establishing this apartment complex on that plot of land in a single-family home residential area will only create havoc. I am very much against this and I would hope that you would do the same. Thank you."

Mr. Jai Rai, 2991 Landing Way, Orangeburg, SC stated, "I hear everyone's comments and I respect everyone's opinion. I have lived in The Landing for the last eight to nine years. Before I lived on Longwood Drive, I lived on Riley Street for nine years. It is a four-acre lot. I am not stuck with a 42-unit. I just want to build over there. I have a dream. I have one building over there. It was in the County. I spent \$50,000 dollars to put in a storm drain and to make a beautiful pond. It does not have to be 40 units; it can be 30 units. I just want something to be there. This project is not going to have a cash flow. I want to do a nice thing for this society. We want to have a good place for the people who are less fortunate to live with good people and become a nice citizen. I want to do a nice development over there and maybe build 30-units. I am not looking to get rich; I want to provide nice housing for those people. When I grew up, I was poor too. I was very poor. I grew up with nice people around me. This is what I want on this property. So these people that are less fortunate can walk with these nice people and follow them and grow up nice."

Mr. Clay Fowler, 1687 Longwood Drive, Orangeburg SC stated, "My business is Longwood Plantation. I also have a dream. My dream is that we take care of seniors. I purchase it five and a half years ago. I worked for eighteen years as a hospital executive and I took my entire life savings to put down and get a loan to own this business. It has had a long reputation of taking good care of seniors. The adjacent property belonging to Mr. Rai is so close to our Magnolia

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Place property, which is for patients with Alzheimer's. These patients need quiet. When I looked to purchase the property, it was near single-family homes which was good and this is what I based my decision on. To have anything more than a house there will be disruptive to the care that we are able to provide for our residents. The families depend on us to care for them. We have had problems with the quadplex before. The tenants living there were driving across our grass and tore it up. Mr. Rai fixed it, but it continued to be a problem. One day there were police cars everywhere. A woman that had Alzheimer's lived in one of their units. She did not need to be alone. Whoever was to be watching her was not there so she wandered off. We would have to go get her and bring her back. We do not need more of this happening as it is disruptive to healthcare. Thank you."

Mr. Leland Proper, Landing Way, Orangeburg, SC, stated, "I am seventy and still working. Like most of the people in The Landing, my home is my biggest investment. I cannot afford to have the value of my home degraded. Mr. Rai may make it out that we are being somewhat selfish by trying to keep things the way that they are. I would offer to you that none of us in Moss Hills, Riley Street or The Landing are social workers. We did not buy our homes to undertake a project of an uplift of a group of other people, even though we wish them well. We are just trying to live our lives in peace and live out our retirement in peace and safety and to preserve the value of our investments. I stand strongly against this zoning change. Thank you."

Hearing no further comments, a motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Keitt, to close the Public Hearing. The motion was unanimously approved.

PRESENT:

Michael C. Butler, Mayor
Charles B. Barnwell
Bernard Haire
Charles W. Jernigan
L. Zimmerman Keitt
Sandra P. Knotts
Richard F. Stroman

Council entered into the regularly scheduled City Council meeting.

A motion was made by Councilmember Keitt, seconded by Councilmember Barnwell, to approve the February 7, 2017, City Council Minutes as distributed. This motion was unanimously approved.

Ms. Jeanna Reynolds, Downtown Orangeburg Revitalization Association, (DORA) Board President addressed Council. She stated, "Back in the summer, City Council gave approval for DORA to have a downtown festival. The festival was successful with over 500 people attending. DORA is now requesting approval to have a St. Patrick's Day Festival on Friday, March 17, 2017, and to allow for the sale of beer and wine."

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Keitt, to approve the request from DORA for a St. Patrick's Day Festival on March 17th with approval to sell beer and wine. This motion was unanimously approved.

Ms. Ellen Zisholta made an appearance before Council. She stated, "I have been in Orangeburg for eleven years. I was the former director of IP Stanback Museum and Planetarium at South Carolina State University. I have opened a company, Center for Creative Partnerships and I wanted to inform Council on the partnership we have with Orangeburg Calhoun Technical College for a Community Cinema that is education through films. There are three upcoming films. One is this Thursday night, February 23rd at 6:00 PM which is 'Jump at the Sun' and I would like to introduce the filmmaker, Christine Anderson."

Council received this as information.

A motion was made by Councilmember Haire, seconded by Councilmember Knotts, to approve a Resolution to authorize City Administrator Yow to execute a Financial Lease Purchase Agreement in the amount of \$1,465,500.00 with South State Bank. This motion was unanimously approved.

Assistant City Administrator John Singh overviewed the First Reading of an Ordinance to amend Section 24-4.1, District Boundaries and Maps of the Code of Ordinances for the City of Orangeburg and the Zoning Map and the Comprehensive Land Use Plan change of the City of Orangeburg, SC, property belonging to Jai Prakash Rai located on Longwood Drive at Tax Map # 0174-09-06-020.000.

Assistant City Administrator Singh stated, "The Public Hearing was held tonight on the First Reading of this Ordinance and also the City's Planning Commission denied the request to amend the changes in the Ordinance."

Councilmember Jernigan asked, "If this is voted down tonight, is that it?"

City Administrator Yow replied, "It won't come back for second reading; this request is over."

Councilmember Barnwell stated, "Mr. Rai, I have ridden by your property on Saturday and this is next to residential property and your property is in deplorable condition and we turned you down in 2009 and that is why."

Councilmember Jernigan made a motion that, "We uphold the Planning Commission's findings and vote no against these changes." This motion was seconded by Councilmember Barnwell and unanimously approved.


There were no utility matters brought before City Council.

A motion was made by Mayor Pro Tem Keitt, seconded by Councilmember Knotts, to enter into an Executive Session for (1) Economic Development – Project Pillar, (2) Legal Matter – Management Division – Department of Public Utilities and (3) Personnel Matter – Department of Public Utilities Manager Search process.

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Keitt, to adjourn.

There being no further business the meeting was adjourned.

Respectfully submitted,


Carrie W. Johnson
City Clerk

/pfb





A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE AGREEMENT WITH ATTACHED PAYMENT SCHEDULE, PROJECT FUND AGREEMENT AND RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

BE IT RESOLVED by the governing body of the City of Orangeburg (the "Lessee"), at a duly called meeting of the governing body held on the 21st day of February 2017, the following resolution was introduced and adopted:

RESOLVED, whereas the governing body of Lessee has determined that a true and very real need exists for the acquisition of Equipment as described in the Request for Proposal and Exhibit "A" attached hereto, in the amount of **\$1,465,500.00** at an annual interest rate of 1.450% for three (3) years, by entering into an Lease Agreement with South State Bank as Lessor and the City of Orangeburg as Lessee (the "Agreement") according to the terms set forth in the Bid Proposal from South State (Exhibit "B"). The Equipment will be used by the Lessee for the following purpose: To provide new and cost efficient equipment for the operation of City government.

RESOLVED, whereas the governing body of Lessee has taken the necessary steps, including any legal bidding requirements, under applicable law to arrange for the acquisition of such equipment.

RESOLVED, whereas the governing body hereby directs its legal counsel to review the Agreement and negotiate appropriate modifications to said Agreement so as to assure compliance with state law and local statutory law prior to execution of the Agreement by those persons so authorized by the governing body for such purpose.

BE IT RESOLVED, by the governing body of the Lessee that the terms of said Agreement are in the best interests of Lessee for the acquisition of such equipment and the governing body of Lessee designates and confirms the following person(s) to execute and deliver, and to attest, respectively, the Agreement and any related documents necessary to the consummation of the translations contemplated by the Agreement.

Name and Title of Person(s) to Execute and Attest Agreement:

John H. Yow, City Administrator and Carrie W. Johnson, City Clerk

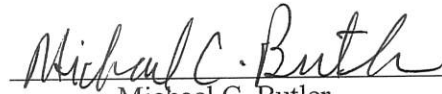
RESOLVED, the Lessee covenants that it will perform all acts within its power which are or may be necessary to insure that the interest portion of the rental payments coming due under the Agreement will at all times remain exempt from federal income taxation under the laws and regulations of the United States of America as presently enacted and construed or as hereafter amended. The Lessee hereby certifies that it has not issued or effected the issuance of, and reasonably anticipates that it shall not issue or effect the issuance of more that ten million dollars (10,000,000.00) of tax-exempt obligations during the calendar year, and hereby designates the Agreement as a "qualified tax exempt obligation", as defined by Section 265 (b) (3) of the Internal Revenue Code of 1986, as amended.

**Passed by the City Council of the City of Orangeburg, South Carolina this
21st day of February, 2017.**



ATTEST:


City Clerk


Michael C. Butler
Mayor

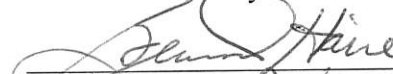
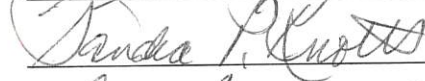
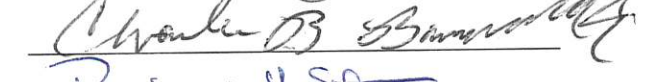

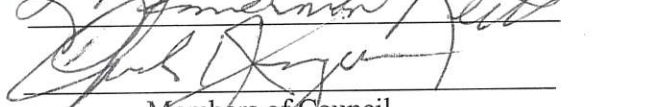







Members of Council

EXHIBIT A
2016-2017 LEASE PURCHASE



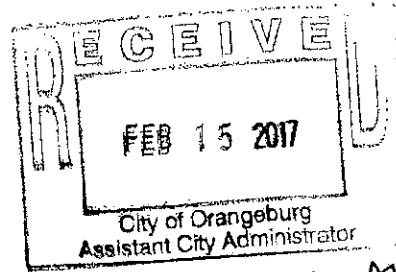
Lease	Dept./Division	Purchase
Walker Mower	70/20	\$ 14,000
Kubota Bucket & Tractor	70/20	55,000
½ Ton Pickup	70/40	19,000
Kubota Tractor MC5200F	70/40	19,500
Kubota 52' Deck Mower	70/40	15,000
Vehicle	40/01	30,000
Garbage Truck	40/65	285,000
Software	10/30	250,000
3 Vehicles & Equipment	60/20	114,000
Firetruck	60/25	550,000
2 Vehicles	60/25	76,000
Vehicle	60/30	<u>38,000</u>
TOTAL		\$1,465,500

Exhibit B



February 13, 2017

Mr. John D. Singh, Assistant City Administrator
City of Orangeburg
979 Middleton Street
Post Office Drawer 387
Orangeburg, South Carolina 29116-0387



Dear Mr. Singh:

Thank you for sending the Request for Proposal regarding \$1,465,500 of various equipment to be acquired by City of Orangeburg. The Terms and Conditions set forth in the Request for Proposal are understood by us and are acceptable. For the 3 year term of the financing with the first annual payment to be due August 1, 2017 and the final payment to be due August 1, 2019 we offer a financing rate of 1.45%.

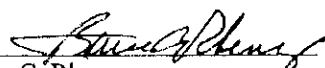
The documentation will be that of a standard Lease-Purchase Agreement with Exhibits. Included in the Exhibits will be an Opinion of Lessee's Counsel or designated Counsel attesting to the legality of the Lease-Purchase Agreement. Lessee and Lessee's Counsel or designated Counsel will also be required to state in writing that the Lessee has not, and does not intend to issue more than \$10,000,000 of obligations during the current calendar year, declaring the contemplated financing "bank qualified" as defined in Section 265(b)(3) of the Internal Revenue Code. Title to the Equipment being financed will rest with the Lessee upon acceptance of the Equipment. The Lessee will also be responsible for all maintenance, insurance and taxes. Other documents may be added if required by the circumstances of the finance transaction.

There will be no financing costs and no pre-payment penalties but South State Bank will require that the City of Orangeburg be responsible for payment of all legal fees associated with closing the lease purchase including but not limited to preparation of the closing documents. If selected, we understand that an Investment Letter will be required from us and we shall provide one in a form acceptable to City of Orangeburg.

We understand that City of Orangeburg wishes to close this finance transaction on March 15th of this year and we will be able to accommodate this. The proposed payment schedule (attached) assumes March 15th as the closing date. However, if the City finds this to be impractical, our proposal shall remain firm through March 31st.

Very Truly Yours,

South State Bank

By: 
Bruce C. Rheney
Sr. Vice President

Compound Period: Annual

Nominal Annual Rate: 1.450 %

CASH FLOW DATA

	Event	Date	Amount	Number	Period	End Date
1	Loan	03/15/2017	1,465,500.00	1		
2	Payment	08/01/2017	498,285.40	3	Annual	08/01/2019

AMORTIZATION SCHEDULE - Normal Amortization

		Date	Payment	Interest	Principal	Balance
	Loan	03/15/2017				1,465,500.00
	1	08/01/2017	498,285.40	8,092.37	490,193.03	975,306.97
	2017 Totals		498,285.40	8,092.37	490,193.03	
	2	08/01/2018	498,285.40	14,141.95	484,143.45	491,163.52
	2018 Totals		498,285.40	14,141.95	484,143.45	
	3	08/01/2019	498,285.40	7,121.88	491,163.52	0.00
	2019 Totals		498,285.40	7,121.88	491,163.52	
	Grand Totals		1,494,856.20	29,356.20	1,465,500.00	

—Last interest amount increased by 0.01 due to rounding.