

CITY COUNCIL MINUTES  
JANUARY 5, 1988

Orangeburg City Council held its regularly scheduled meeting on January 5, 1988 in City Hall Chambers at 7:00 P.M. Mayor Pendarvis presiding.

PRESENT: E. O. Pendarvis, Mayor  
W. Everette Salley, Mayor Pro Tem  
Henry F. Frierson  
Sara H. Alexander  
Herbert W. Bradley, Jr.

A motion was made by Councilmember Bradley, seconded by Mayor Pro Tem Salley, unanimously approved the December 15, 1987 City Council Minutes as distributed.

Mr. Wes Pickens, Ms. Jeannine Kees, Captain Harold Carter and Mr. Austin Cunningham presented information to Council on Orangeburg County Crimestoppers. Ms. Kees informed Council that January 17th through January 23rd, 1988 is the week set aside for a fund raising drive and to provide the public with information and recognition of the Crimestoppers program. Captain Carter of the Public Safety Department informed Council that since the program's inception in May 1986, four hundred and two (402) code numbers have been issued and two hundred and twenty-six (226) cases have been solved. He informed Council of the possible monies that may be received back to the local governments once the drug related cases are processed through the courts. He stated that if cases go through the state court the maximum amount that could be received back is 10%. If the Drug Enforcement Administration (DEA) is involved and the cases go through federal court we can get anywhere from 75% to 90% of the monies back. Mr. Cunningham requested \$7,500 from the City and \$7,500 from the County out of the aforementioned confiscated funds and property. He stated that they would like to receive 50% of all funds that are returned. Chairman, Wes Pickens, made a formal request of Council for \$7,500. A motion was made by Mayor Pendarvis, seconded by Mayor Pro Tem Salley, unanimously approved to provide this \$7,500 out of confiscated funds and property.

Attorney James F. Walsh informed Council that on January 19, 1988 Mr. Roy Bates and Mr. Bobby Bowers would like to meet with Council for an executive session at 5:00 P.M. with a Public Hearing following at 7:00 P.M. to discuss the Single Member District Plan. A motion by Mayor Pendarvis, seconded by Councilmember Bradley, unanimously approved this request.

Concerning the recent presentation by representatives of the Aetna about employee's hospitalization insurance, Mayor Pro Tem Salley made a motion, seconded by Councilmember Frierson, unanimously approved to accept "Plan E" where the City would pick up the total increase on employees and retirees with the employee picking up one-half of the dependent increase cost this year with the balance of one-half being picked up next year. This would make the employee pay one-half of all dependent cost after next year. This motion also included the initiation of a study for future planning in regards to insurance for employees.

A motion was made by Councilmember Frierson, seconded by Mayor Pro Tem Salley, unanimously approved to pay the City's portion of the re-roofing at the Law Enforcement Complex with the acceptance of the low bid of \$166,668 from Palmetto State Roofing and SM Company in Greenville plus approximately \$31,000 in contingency and fees with total estimated cost being \$197,668. The City budgeted \$48,960 in the FY 87-88 budget for our share.

A motion by Councilmember Frierson, seconded by Councilmember Alexander, unanimously approved to accept the low bid of \$9,848.55 from Central Chevrolet in Columbia for the purchase of a 1988 one-half ton pick-up truck for use in the Service Department.

PLAN E

1. EMPLOYER'S AND RETIRED EMPLOYEE'S INSURANCE ABSORBED BY CITY AND DEPARTMENT OF PUBLIC UTILITIES
2. EMPLOYEE'S DEPENDENT COST SHARED BY EMPLOYEE AND BY CITY AND DEPARTMENT OF PUBLIC UTILITIES WITH EMPLOYEE'S SHARE INCREASING 1/2 THE AMOUNT TO BRING THE EMPLOYEE'S SHARE TO 50% OF TOTAL, THE OTHER 1/2 NEXT YEAR
3. RETIRED EMPLOYEE'S DEPENDENT INSURANCE ABSORBED BY EMPLOYEE

	<u>City Portion</u>	<u>Employee Portion</u>	<u>Total Premium</u>
Employee	\$ 66.38	\$ -0-	\$ 66.38
Dependent	\$ 67.02	\$ 35.46	\$102.48
- Dependents	\$107.64	\$ 63.40	\$171.04
Retired Employee Medicare	\$ 60.78	\$ -0-	\$ 60.78
Retired Dependent Medicare	\$ 22.23	\$ 38.55	\$ 60.78
Retired Employee	\$ 66.53	\$ -0-	\$ 66.53
Retired Dependent	\$ 40.60	\$ 61.88	\$102.48

BY COUNCIL ASSEMBLY ON JANUARY 5, 1988.

CITY COUNCIL MINUTES  
JANUARY 5, 1988  
PAGE 2

City Administrator Smith presented a memorandum to Council on the FY 87-88 budget projection shortfall. This stated that our projected balance was overstated by \$558,802. A motion by Mayor Pendarvis, seconded by Councilmember Alexander, unanimously approved to continue with the budget as is because City Administrator Smith stated we could postpone certain capital items from the current year budget until the next budget year.

A motion by Councilmember Frierson, seconded by Mayor Pro Tem Salley, unanimously approved the Resolution granting the City Administrator the authority to make line items changes in the budget such that it does not change the total approved budget amount.

A motion by Mayor Pro Tem Salley, seconded by Councilmember Alexander, unanimously approved the first reading of an ordinance to amend the 1986-87 budget due to some expenditures which were not approved by the Accomodations Tax Board and for the purchase of a fire truck which was divided between FY 86-87 and FY 87-88 budgets. This would increase expenditures from \$5,129,263 to \$5,232,824.


A motion by Mayor Pendarvis, seconded by Mayor Pro Tem Salley, unanimously approved parking privileges behind the Boy's Club during the Rose Festival, April 28th through May 1st, 1988, for approximately twenty-five (25) camper trailers.

A motion by Mayor Pendarvis, seconded by Mayor Pro Tem Salley, unanimously approved a Resolution granting easement rights on Highway 49 near the sub station to the South Carolina Department of Highways and Public Transportation.

A motion by Mayor Pro Tem Salley, seconded by Councilmember Alexander, unanimously approved the Resolution granting sloping rights on Highway 49 to the South Carolina Department of Highways and Public Transportation.

There being no further business, the meeting was adjourned.

Respectfully submitted,

  
Carol A. Brunson  
City Clerk

/r

ABB132

CITY COUNCIL MINUTES  
JANUARY 19, 1988

Orangeburg City Council held a Special City Council Meeting on January 19, 1988 in City Hall Chambers at 5:00 P.M., Mayor Pendarvis presiding.

PRESENT: E. O. Pendarvis, Mayor  
W. Everette Salley, Mayor Pro Tem  
Henry F. Frierson  
Sara H. Alexander  
Herbert W. Bradley, Jr.

A motion by Mayor Pro Tem Salley, seconded by Councilmember Alexander, unanimously approved to enter into an executive session for legal briefing.

A Public Hearing began at 7:00 P.M. concerning single member districts. Mr. Bobby Bowers, Director of the South Carolina Department of Statistics and Research discussed the five (2-City, 3-ACLU) proposed plans for re-districting the City in regards to election of City Council Members. He explained that based on the 1980 census, the population of the City of Orangeburg was 14,933 of which 49% are black. If you exclude the colleges, 38% of the citizens are black. If the City is divided into six (6) districts this would put the population in each district at approximately 2,489. Mr. Bernard Haire expressed a desire for Council to make a decision tonight and move forward with the process. No other comments were made concerning this matter.

A motion by Councilmember Bradley, seconded by Councilmember Alexander, unanimously approved the January 5, 1988 City Council Minutes as distributed.

A motion by Mayor Pro Tem Salley, seconded by Councilmember Frierson, unanimously approved the second reading of an ordinance to amend the 1986-87 Budget.

A motion by Mayor Pro Tem Salley, seconded by Councilmember Alexander, unanimously approved the revised project application for clearing and site preparation on the new Runway 17/35 to include the Environmental Assessment Report. Public Works Director, Reese Earley, informed Council that this would not increase the budget.

A motion by Councilmember Frierson, seconded by Mayor Pro Tem Salley, unanimously approved the Resolution to postpone the February 9, 1988 Special Election until a decision is reached concerning the proposed single member districts.

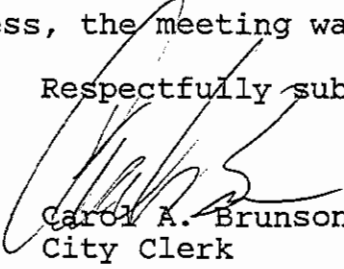
A motion by Mayor Pro Tem Salley, seconded by Councilmember Bradley, unanimously approved to accept "Plan 4" of the five plans submitted concerning single member districts. (See Attachment)

Department of Public Utilities Manager, Ted Johnson, brought no utility matters before Council.

Mr. Bernard Haire wanted Council to re-open the Cable TV issue of the City going into the Cable TV business because of the proposed increase in the rates. Mayor Pendarvis informed Mr. Haire that we had previously reported the results of the study and found it not feasible.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carol A. Brunson  
City Clerk

ORANGEBURG COUNCIL  
SIX DISTRICTS - RED  
TOTAL POPULATION - 14,933; IDEAL DISTRICT - 2,489

4

AREA	TOTAL POP.	BLACK POP.	% BLACK POP.	VOTING AGE POPULATION		
				TOTAL	BLACK	% BLACK
DISTRICT 1						
9901						
101-136	1,326	81		1,045	71	
201-203	92	4		75	2	
9902						
BG1	890	4		614	0	
302	54	2		39	2	
304-307	88	7		67	5	
	2,450	98	4.0%	1,840	80	4.3%
-1.56% Variance						
DISTRICT 2						
9902						
BG#2	946	12		693	7	
308	99	0		74	0	
9903						
201-247	1,179	305		923	202	
249	126	121		86	83	
255-259	136	50		96	29	
	2,486	488	19.6%	1,872	321	17.1%
-0.12% Variance						
DISTRICT 3						
9902						
301	46	4		35	4	
303	42	0		29	0	
309-330	697	5		520	3	
BG #4	1,616	580		1,225	411	
	2,401	589	24.5%	1,809	418	23.1%
-3.54% Variance						

4

AREA	TOTAL POP.	BLACK POP.	* BLACK POP.	VOTING AGE POPULATION		
				TOTAL	BLACK	* BLACK
DISTRICT 4						
9901						
137	25	0		15	0	
204-220	797	650		538	434	
301-311, 312 Part,						
314-317	1,742	1,724		1,561	1,542	
	2,564	2,374	92.6%	2,114	1,976	93.5%
+3.01% Variance	1,140	852	74.7%	886	647	73.0%
DISTRICT 5						
9901						
312 Part, 313,						
318-332	1,961	1,821		1,756	1,633	
401-419	238	122		182	79	
421	38	20		27	15	
422	0	0		0	0	
428	33	25		19	16	
432-434	189	167		115	95	
9903						
101 & 102	108	103		88	84	
	2,567	2,258	88.0%	2,187	1,922	87.9%
+3.13% Variance	1,255	957	76.3%	918	659	71.8%
DISTRICT 6						
9901						
420	33	5		23	3	
425-427	1	1		1	1	
429-431	57	18		42	13	
437-438	130	20		102	16	
9903						
103-142	716	426		506	263	
248	6	6		0	0	
250-254	140	137		87	85	
BG #3	900	832		596	529	
BG #4	482	127		373	79	
	2,465	1,572	63.8%	1,730	989	57.2%
-0.96% Variance						

MAXIMUM VARIANCE: 6.67 (HIGH +3.13; LOW -3.54)

RESOLUTION

WHEREAS, the City of Orangeburg is the owner of the below described property and

WHEREAS, said property is being used by the Department of Public Utilities, the City of Orangeburg, as a substation.

WHEREAS, South Carolina Department of Public Highways and Public Transportation wishes to acquire permission for sloping to extend five (5) feet beyond highway right-of-way or forty-five (45) feet from the centerline of S-49 for the purpose of improving South Carolina Highway 49.

WHEREAS, such improvements to South Carolina Highway 49 will benefit the Department of Public Utilities in maintaining and operating its substation.

NOW, BE IT RESOLVED BY THE City Council, The City of Orangeburg, South Carolina duly assembled this 5th day of January, 1988, that Ted M. Johnson, Jr., Manager of the Department of Public Utilities, of the City of Orangeburg is hereby authorized to execute a slope permission agreement with the South Carolina Department of Highways and Public Transportation. The property is shown on South Carolina Department of Highways and Public Transportation's Drawing, Project Number RS1047(70), File Number 38.892 between Stations 36 + 05 and 39 + 61 RT.

Done and ratified this 5th day of January, 1988.

E. C. Payton, Jr.  
Mayor  
W. Keith Sely  
Sara H. Anderson  
Henry B. Strickland  
Helen W. Bradley  
Members of Council

ATTEST:

[Signature]  
City Clerk and Treasurer

R E S O L U T I O N

WHEREAS, the City of Orangeburg is the owner of the below described property and

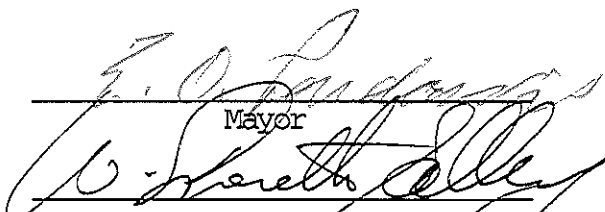
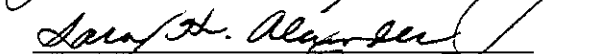

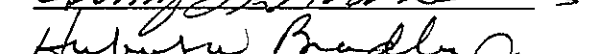
WHEREAS, said property is being used by the Department of Public Utilities, the City of Orangeburg, as a substation.

WHEREAS, South Carolina Department of Public Highways and Public Transportation wishes to acquire a two and one-half (2-1/2) foot easement for the purpose of improving South Carolina Highway 49.

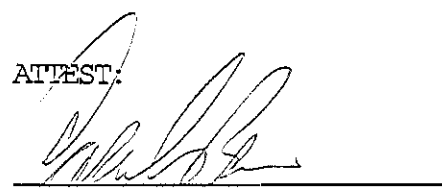
WHEREAS, such improvements to South Carolina Highway 49 will benefit the Department of Public Utilities in maintaining and operating its substation.

NOW, BE IT RESOLVED BY THE City Council, The City of Orangeburg, South Carolina duly assembled this 5th day of January, 1988, that Ted M. Johnson, Jr., Manager of the Department of Public Utilities, of the City of Orangeburg is hereby authorized to execute a right-of-way easement to the South Carolina Department of Highways and Public Transportation. The property is shown on South Carolina Department of Highways and Public Transportation's Drawing, Project Number RS1047(70), File Number 38.892 between Stations 63 + 86 and 66 + 25 LT.

Done and ratified this 5th day of January, 1988.

  
\_\_\_\_\_  
Mayor  
  
\_\_\_\_\_  
Larry H. Alexander  
  
\_\_\_\_\_  
Jimmy D. Harrison  
  
\_\_\_\_\_  
Hubert Bradley  
Members of Council

ATTEST:

  
\_\_\_\_\_  
City Clerk and Treasurer



RESOLUTION

BE IT RESOLVED by the Mayor and Members of Council of the City of Orangeburg, South Carolina, in Council assembled, and that by authority of the same:

GRANT authorization to the City Administrator of the City of Orangeburg to change budget amounts on line items if needed such that these changes do not alter the total budget amount.

PASSED by Council, in Council assembled at Orangeburg, South Carolina, this fifth day of January, 1988.

E. O. Long  
W. H. Sells  
James H. Alexander  
Hubert Bradley  
Henry B. Johnson  
MEMBERS OF COUNCIL

ATTEST:

W. H. Sells

CITY CLERK

CITY COUNCIL MINUTES  
February 2, 1988

Orangeburg City Council held its regularly scheduled City Council Meeting on February 2, 1988 in City Hall Chambers at 7:00 P.M., Mayor Pendarvis presiding.

PRESENT: E. O. Pendarvis, Mayor  
W. Everette Salley, Mayor Pro Tem  
Henry F. Frierson  
Sara H. Alexander  
Herbert W. Bradley, Jr.

A motion by Councilmember Bradley, seconded by Mayor Pro Tem Salley, unanimously approved the January 19, 1988 City Council Minutes as distributed.

A motion by Mayor Pro Tem Salley, seconded by Mayor Pendarvis, unanimously approved the third reading of an ordinance to amend the 1986-87 Budget.

A motion by Mayor Pro Tem Salley, seconded by Councilmember Frierson, unanimously approved the first reading of an ordinance to implement a new election procedure. Attorney Walsh explained to Council that changes were made on the map to include newly annexed areas and to swap the district numbers on 1 and 2. This ordinance provides for an election to be held on the second Tuesday in September, 1988 to elect representatives from districts 1, 3 and 5 for a one year term and from districts 2, 4 and 6 for a three year term. Attorney Walsh explained that there would not have to be an election in district 1 if there was only one Councilmember residing in that district prior to that election. (According to the new map there are two Councilmembers residing in this district at present.)

A motion by Councilmember Alexander, seconded by Councilmember Bradley, unanimously approved the acceptance of the only bid of \$45,108.84 from Central Chevrolet in Columbia for four (4) 1988 full size four door sedan pursuit patrol cars.

A motion by Mayor Pro Tem Salley, seconded by Councilmember Alexander, unanimously approved the low bid of \$3,470.75 from A.J.S. Associates for the purchase of two (2) scoreboards and cable wires for the Parks and Recreation Department.

A motion by Mayor Pendarvis, seconded by Mayor Pro Tem Salley, unanimously approved the low bid of \$5,795.00 from Porter Brothers for the purchase of one (1) three-wheel tractor for Hillcrest.

A motion by Councilmember Frierson, seconded by Mayor Pro Tem Salley, unanimously approved the low bid to enter into a lease purchase agreement with Club Car for \$2,300.00 per month (total agreement \$110,400) on forty (40) gas powered golf carts.

Attorney Walsh brought Council up to date on litigation concerning W. W. Sutcliffe against the City. He explained that Mr. Sutcliffe had a lot on Dixie Circle and requested a variance instead of re-zoning. The City's position was that this would be an amendment of the Zoning Ordinance and not a request for a variance. Mr. Sutcliffe appealed to the Circuit Court and had a hearing and the Circuit Court denied this appeal. Attorney Walsh submitted a copy of the order and stated that Mr. Sutcliffe would have ten (10) days after receipt of this order to appeal the ruling.

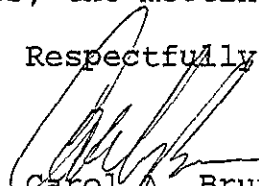
ABB132

CITY COUNCIL MINUTES  
FEBRUARY 2, 1988  
PAGE 2

DPU Manager, Ted Johnson, informed Council that due to a savings on the generating plant (\$250,000.00) and a rate reduction from SC Electric and Gas Company (\$727,591.00) he was requesting a total rate reduction (\$977,591) based on last year's consumption figures. A motion by Mayor Pro Tem Salley, seconded by Councilmember Bradley, unanimously approved a Resolution granting this rate reduction.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carol A. Brunson  
City Clerk

/r

ORANGEBURG CITY COUNCIL  
SIX DISTRICTS  
TOTAL POPULATION - 14,933; IDEAL DISTRICT - 2,489

4

AREA	TOTAL POP.	BLACK POP.	% BLACK POP.	VOTING AGE POPULATION		
				TOTAL	BLACK	% BLACK
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9901						
101-136	1,326	81		1,045	71	
201-203	92	4		75	2	
9902						
BG1	890	4		614	0	
302	54	2		39	2	
304-307	88	7		67	5	
	2,450	98	4.0%	1,840	80	4.3%
-1.56% Variance						
DISTRICT 1						
9902						
BG#2	946	12		693	7	
308	99	0		74	0	
9903						
201-247	1,179	305		923	202	
249	126	121		86	83	
255-259	136	50		96	29	
	2,486	488	19.6%	1,872	321	17.1%
-0.12% Variance						
DISTRICT 3						
9902						
301	46	4		35	4	
303	42	0		29	0	
309-330	697	5		520	3	
BG #4	1,616	580		1,225	411	
	2,401	589	24.5%	1,809	418	23.1%
-3.54% Variance						

4

AREA	TOTAL POP.	BLACK POP.	% BLACK POP.	VOTING AGE POPULATION		
				TOTAL	BLACK	% BLACK
<b>DISTRICT 4</b>						
9901						
137	25	0		15	0	
204-220	797	650		538	434	
301-311, 312 Part,						
314-317	1,742	1,724		1,561	1,542	
	2,564	2,374	92.6%	2,114	1,976	93.5%
+3.01% Variance	1,140	852	74.7%	886	647	73.0%
<b>DISTRICT 5</b>						
9901						
312 Part, 313,						
318-332	1,961	1,821		1,756	1,633	
401-419	238	122		182	79	
421	38	20		27	15	
422	0	0		0	0	
428	33	25		19	16	
432-434	189	167		115	95	
9903						
101 & 102	108	103		88	84	
	2,567	2,258	88.0%	2,187	1,922	87.9%
+3.13% Variance	1,255	957	76.3%	918	659	71.8%
<b>DISTRICT 6</b>						
9901						
420	33	5		23	3	
425-427	1	1		1	1	
429-431	57	18		42	13	
437-438	130	20		102	16	
9903						
103-142	716	426		506	263	
248	6	6		0	0	
250-254	140	137		87	85	
BG #3	900	832		596	529	
BG #4	482	127		373	79	
	2,465	1,572	63.8%	1,730	989	57.2%
-0.96% Variance						

MAXIMUM VARIANCE: 6.67 (HIGH +3.13; LOW -3.54)

R E S O L U T I O N

BE IT RESOLVED By the Mayor and Members of Council of the City of Orangeburg, South Carolina, in Council assembled, and by authority of the same:

That the rates of the Department of Public Utilities of the City of Orangeburg pertaining to Electricity, as heretofore adopted be, and the same are hereby repealed, and in lieu thereof, the Electric Rates of the Department of Public Utilities of the City of Orangeburg, hereto attached, be and they are hereby, declared effective and in full force on March 1, 1988 billings.

PASSED by the City Council, in Council assembled at Orangeburg, South Carolina, this 2nd day of February, 1988.

Signed:

E. O. Fandanus  
Mayor  
Ernest Selby  
Sam H. Reynolds  
Henry H. Morrison  
Hubert Bradley Jr.  
Members of Council

ATTEST:

[Signature]  
City Clerk and Treasurer

CITY COUNCIL MINUTES  
FEBRUARY 16, 1988

361

Orangeburg City Council held its regularly scheduled meeting on February 16, 1988, in City Hall Chambers at 7:00 P.M., Mayor Pendarvis presiding.

PRESENT: E. O. Pendarvis, Mayor  
W. Everette Salley, Mayor Pro Tem  
Henry F. Frierson  
Sara H. Alexander  
Herbert W. Bradley, Jr.

A motion by Councilmember Bradley, seconded by Councilmember Alexander, unanimously approved the February 2, 1988 City Council minutes as amended.

AB132  
An appearance was made by Mr. Jim Bethune, owner of Bethune Investments and Horne Motors to complain about a situation concerning the fact that he had been billed over twenty (20) months for utilities at a building of which Mr. Joel Webb (Oil Express) was the tenant. The bills amounted to \$4,448.95. Mr. Bethune stated that he did not sign a utility agreement or give DPU a check to cut on the utilities and that DPU just took Mr. Webb's word that Horne Motors would pay the bill. Mr. Bethune stated that when he found that he had incorrectly paid this bill for over twenty (20) months and requested a refund from DPU, he was told that because he paid the bill and did not catch the error when it first happened that legally he had lost his presumption that he did not order the utilities. He was told that he would have to sue in order to receive a refund and he said he would. For the record, he brought a copy of the contract that he had with Mr. Webb stating that Mr. Bethune was not responsible for payment of the utilities.

Mr. Bethune stated that he also checked his personal bill and noticed that his water consumption was multiplied by ten. He was told that this would correct itself by the next month. The main thing Mr. Bethune wanted to say was that he wanted Council to look at this situation because a lot of people do not know how to protect themselves in situations such as these or have access to legal council as he does.

A motion by Mayor Pro Tem Salley, seconded by Councilmember Frierson, unanimously approved the second reading of an ordinance to implement the new election procedure as amended.

A motion by Councilmember Frierson, seconded by Councilmember Bradley, unanimously approved the low bid of \$8,292.90 for the purchase of a Massey Ferguson 240 tractor from Pioneer Farm Equipment in Orangeburg for the Service Department to be purchased from the cemetery fund.

Mr. Joey Taylor, Executive Director of the Orangeburg County Chamber of Commerce, presented a plaque to City Council recognizing the SC Festival of Roses as being one of the top twenty (20) events in the Southeast. This award was presented from the Southeast Tourism Society. This is the second year in a row that the Festival has been chosen and one of the few chosen as top twenty winners back to back.

Marion J. Smith, Director of Parks and Recreation Department, presented the 1988 Rose Festival Budget which included estimated revenues of \$13,450 and estimated expenditures of \$13,175. The Festival of Roses will be held April 29th through May 1st of this year. Mr. Smith also informed Council that the Queen of Roses Pageant has been sanctioned as an official preliminary pageant of the Miss SC Pageant. The budget was accepted as information.

City Administrator Smith presented a report to Council on the results of the ISO Fire Department inspection. He stated that the City remained class 5 inside the city limits and dropped from class 7 to class 5 outside the city limits as long as an individual is within the fire district, has a paid contract and is within 1000 ft. of a fire hydrant. City Administrator Smith said that this should benefit those people through a reduction in their fire insurance (homeowner's insurance, etc.). City Administrator Smith stated that when he receives a detailed report we can analyze the deficiencies in order to determine if changes would be cost efficient.

City Administrator Smith presented the FY 1986-87 final audit prepared by J. W. Hunt and Company. The net result for the City was that we ended with a \$314,053 positive variance.

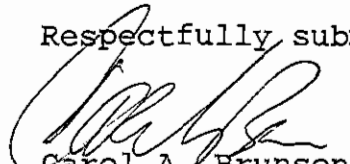
DPU Manager, Ted Johnson, brought no utility matters before council.

Councilmember Bradley asked Mr. Johnson what the normal procedures are if a person feels that charges have been improperly assessed.

Mr. Johnson said that they do investigate these reports and that approximately 50% of all cut ons/cut offs are handled by phone. He also said that his records state that Mr. Bethune made the call regarding the cut on of utilities and that Mr. Webb never indicated that he impersonated Mr. Bethune. Mr. Johnson stated that it is normal for the landlord to cut on the utilities to clean a building and then discontinue the service before the tenant occupies. In this case the service continued. He also said that normally with the first bill if the person did not order the utilities he would notify DPU and that DPU would discontinue the service and issue a warrant.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carol A. Brunson  
City Clerk

/r



CITY COUNCIL MINUTES  
MARCH 1, 1988

363

Orangeburg City Council held its regularly scheduled meeting on March 1, 1988 in City Hall Chambers at 7:00 P.M., Mayor Pendarvis presiding.

PRESENT: E. O. Pendarvis Mayor  
W. Everette Salley, Mayor Pro Tem  
Henry F. Frierson  
Sara H. Alexander

ABSENT: Herbert W. Bradley, Jr.

A motion by Councilmember Frierson, seconded by Councilmember Alexander, unanimously approved the February 16, 1988 City Council Minutes as distributed.

A motion by Councilmember Alexander, seconded by Mayor Pendarvis, unanimously approved the third reading of an ordinance to implement the new election procedure.

A motion by Mayor Pro Tem Salley, seconded by Councilmember Frierson, unanimously approved the low bid of \$5,216.73 for baseball and softball uniforms and equipment for the Parks and Recreation Department from The Sportsman Shop in Charleston.

Council unanimously agreed to postpone a request from the Orangeburg County Chamber of Commerce.

Mayor Pendarvis nominated Freda Summers to replace Ms. Barbara Zellerino's unexpired term and Mr. W. J. Stoudenmire to replace Mr. Joey Taylor's expired term on the Planning Commission. A motion by Councilmember Frierson, seconded by Councilmember Alexander, unanimously agreed to close the nominations. Ms. Summers' term will expire March 3, 1989 and Mr. Stoudenmire's term will expire March 1, 1992.

A motion by Mayor Pendarvis, seconded by Councilmember Frierson, unanimously agreed to authorize the Mayor to enter into a lease agreement renewal with E. J. Braxton et al on a walkway in the 100 block of Russell, NE to rear parking lots.

Council agreed not to sell the City's used parking meters to the City of Columbia.

City Administrator Smith requested an executive session for legal briefing.

Department of Public Utilities Manager, Ted Johnson, brought no utility matters before Council.

A motion by Mayor Pro Tem Salley, seconded by Councilmember Frierson, unanimously approved to adjourn and enter into an executive session for legal briefing.

There being no further business, the meeting was adjourned.

Respectfully submitted,

  
Carol A. Brunson  
City Clerk

/r

ABB132

CITY COUNCIL MINUTES  
MARCH 15, 1988

Orangeburg City Council held its regularly scheduled meeting on March 15, 1988 in City Hall Chambers at 7:00 P.M., Mayor Pendarvis presiding.

PRESENT: E. O. Pendarvis, Mayor  
W. Everette Salley, Mayor Pro Tem  
Sara H. Alexander  
Herbert W. Bradley, Jr.

ABSENT: Henry F. Frierson

A motion by Councilmember Bradley, seconded by Councilmember Alexander, unanimously approved the March 1, 1988 City Council Minutes as distributed.

Mr. A. J. Hutto discussed the request from the Orangeburg County Chamber of Commerce to set the cost of rent per month at \$250 for the next ten (10) years along with the request for repairs to the building amounting to approximately \$10,000. Mayor Pro Tem Salley said that the City should not settle for the \$250 a month for ten (10) years. Mayor Pendarvis suggested that a committee meet with the Chamber officials to discuss the situation.

A motion by Mayor Pendarvis, seconded by Mayor Pro Tem Salley, unanimously approved the appointment of Mr. Tom Vargo as Chairman of the Grievance Committee with his term expiring 4-1-91.

A motion by Mayor Pro Tem Salley, seconded by Councilmember Bradley, unanimously approved the appointment of the following members to the Accommodation's Tax Board.

TOURIST	TERM
Joey Taylor, Chairman	3-15-92
Tom Vargo	3-15-90
Jackie Davis	3-15-92
Leah Holstein	3-15-90
NON TOURIST	TERM
Marion J. Smith	3-15-92
Edna Fischer	3-15-90
Fred Broughton	3-15-92

Parks and Recreation Director, Marion J. Smith, presented a report to Council about the continuing deterioration of the Old AA Building. He presented three (3) proposals to Council for their consideration, with a recommendation that the building be leveled and the area left open. A motion by Councilmember Bradley, seconded by Mayor Pro Tem Salley, unanimously approved Mr. Smith's recommendation.

Attorney James F. Walsh brought Council up-to-date concerning the Cable TV litigation. He said that a motion was filed to amend the City's original answer and that a counter claim has been filed based on the following:

1. Jones Intercable's recent action of combining basic and expanded basic forcing citizens to receive expanded basic at increased rates--violation of the Sherman Act.
2. Violation of the State's unfair trade act.
3. Failure to comply with pole permit procedures.

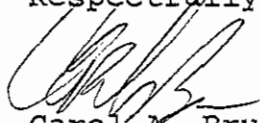
A motion by Mayor Pendarvis, seconded by Mayor Pro Tem Salley, unanimously approved a Resolution to approve the City's answer and counter claim. (Copy of second amended answer and counter claim attached.)

CITY COUNCIL MINUTES  
MARCH 15, 1988  
PAGE 2

Department of Public Utilities Manager, Ted Johnson, brought no utility matters before Council.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carol A. Brunson  
City Clerk

/r

ABB132

CITY COUNCIL MINUTES  
APRIL 5, 1988

Orangeburg City Council held its regularly scheduled meeting on April 5, 1988 in City Hall Chambers at 7:00 P.M., Mayor Pendarvis presiding.

PRESENT: E. O. Pendarvis, Mayor  
W. Everette Salley, Mayor Pro Tem  
Henry F. Frierson  
Sara H. Alexander  
Herbert W. Bradley, Jr.

A motion by Councilmember Bradley, seconded by Mayor Pro Tem Salley, unanimously approved the March 15, 1988 City Council Minutes as distributed.

A motion by Mayor Pro Tem Salley, seconded by Mayor Pendarvis, unanimously approved for the Mayor to have the authority to execute a lease with the State Highway Department to improve 1.66 miles of city streets.

A motion by Mayor Pro Tem Salley, seconded by Councilmember Bradley, unanimously approved the Aviation Commission's recommendation that the existing lease for the operation of the airport not be renewed and that a new lease, taking into account current conditions, be negotiated with the present operator.

Council unanimously agreed to postpone the consideration of six proposed streets in a proposed subdivision at the end of Livingston Terrace until additional information can be received from the corps of engineers concerning an alternate entrance to the subdivision from Riverside Drive. Concern was also expressed concerning a road over a dam that the State will not accept into their system. Mr. Don Smith explained that they were not proposing this street to be accepted. It would be used as an alternate road or private drive, etc. for as long as it remains sound.

A motion by Mayor Pendarvis, seconded by Councilmember Frierson, unanimously approved whatever fire station repairs were necessary.

Council agreed to postpone the Ku Klux Klan parade until an alternate date is scheduled.

Department of Public Utilities Manager, Ted Johnson, brought no utility matters before Council.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carol A. Brunson  
City Clerk

/r

# 11

R E S O L U T I O N

WHEREAS, the City of Orangeburg, recognizes the need for a convenient access for its citizens from the 100 block of Russell NE to parking lots behind buildings; and

WHEREAS, in an effort to provide said access, the City, for the past twenty years, has leased a walkway located on Russell NE owned by formally Harry S. Zeigler, et al, now E. J. Braxton and Lyla C. Braxton; and

WHEREAS, the City continues to recognize this need and wishes to renew said lease for a twenty year period.

NOW, THEREFORE, BE IT RESOLVED, that E. O. Pendarvis, Mayor of the City of Orangeburg, South Carolina, is hereby authorized and directed to enter into the lease agreement attached hereto with E. J. Braxton and Lyla C. Braxton for this purpose.

PASSED by the City Council, in Council assembled, at Orangeburg, South Carolina, this first day of March, 1988.

E. O. Pendarvis  
MAYOR

W. Beretta Salley

Samuel Alexander J

Henry B. Thurston

CITY COUNCIL

ATTEST:

[Signature]  
CITY CLERK

1988 D-149

STATE OF SOUTH CAROLINA, )  
COUNTY OF ORANGEBURG. )

E. J. Braxton and )  
Lyla C. Braxton , )  
Lessors, )

LEASE AGREEMENT

and

City of Orangeburg, )  
Lessee. )

This Lease Agreement made this 1<sup>st</sup> day of March, 1988 between E. J. Braxton and Lyla C. Braxton, hereinafter referred to as Lessors, and City of Orangeburg, hereinafter referred to as Lessee; Witnesseth:

That the Lessors do hereby lease unto Lessee the following described property:

All that certain piece, parcel or lot of land fronting on the northerly side of Russell N. E. (being No. 159 Russell N. E.), in the City of Orangeburg, said County and State, being set forth and shown on a sketch thereof made by B. Reese Earley dated December 7, 1967, attached hereto and made a part of this description by reference and having the following boundaries and measurements: Southeast by Russell N. E., 7 feet, 2 inches; Southwest by other property of E. J. Braxton and Lyla C. Braxton, 198 feet; Northwest by a 20-foot alley, 7 feet, 2 inches, and Northeast by property of Lester I. Finklestein, 198 feet, together with all right, title and interest in easements appertenant thereto.

It is hereby stipulated and agreed that Lessee at its expense is granted the privilege to remove all improvements on said real estate so that the same can and will be used exclusively as a walkway.

To have and to hold the premises above described for a term of twenty (20) years beginning on the 1st day of March, 1988, and continuing for a period of twenty (20) years from such date at a monthly rental of Fifty and 00/100 (\$50.00) Dollars, said rent to be paid in advance on the first day of each and every month during the term of this Lease by Lessee unto Lessors at Orangeburg, S. C., or to their duly authorized agent.

This Agreement to bind the Heirs, Administrators, Executors, Successors and Assigns of the parties hereto.

FILED FOR RECORD  
MAR 11 PM 2 41  
FRED A. SMITH  
P.M.  
RECORDED  
MAR 11 1988  
S.C.

6

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
ORANGEBURG DIVISION

Jones Intercable, Inc. and  
Jones Cable Income Fund 1-B,  
Ltd.,

Plaintiffs,

vs.

City of Orangeburg, S.C.,  
E. O. Pendarvis, Sara H.  
Alexander, Herbert W.  
Bradley, Jr., Henry F.  
Frierson, W. Everette Salley,  
and Ted M. Johnson, Jr.,

Defendants.

Civil Action No. 5-87-2014-6

SECOND AMENDED ANSWER  
AND COUNTERCLAIM

Defendants, answering the Complaint of the plaintiffs, would respectfully show this Court:

For a First Defense

1. All allegations not specifically herein admitted are denied.

2. The allegations of paragraph 1 are admitted on information and belief.

3. The allegations of paragraphs 2, 3, 4 and 5 are admitted.

4. Answering the allegations of paragraph 6, defendants acknowledge that this Court has jurisdiction over the subject matter of this action but deny that jurisdiction under 28 U.S.C.

§1332 is well founded in that the plaintiffs did not plead the citizenship of the partners of Jones Cable Income Fund 1-B, Ltd.; further answering, defendants deny any violation of plaintiffs' rights or any failure to meet obligations owed to plaintiffs.

5. The allegations of paragraphs 7, 8, 9, and 10 are admitted.

6. Answering the allegations of paragraph 11, defendants crave reference to the franchise for the full and true terms and conditions thereof.

7. Answering the allegations of paragraph 12, defendants allege that the City of Orangeburg has, since the turn of the century, owned and operated its own electric distribution system pursuant to Article VIII, Section 16 of the Constitution of the State of South Carolina, both inside and outside of its corporate limits, pursuant to a referendum of its electors. Defendants admit that the city is the only supplier of electricity, water, wastewater service and natural gas within the city, and that it also supplies those utilities in the county along with numerous other competing utilities including South Carolina Electric and Gas Company, Tri-County Electric Cooperative, Aiken Electric Cooperative, Edisto Electric Cooperative, and others. The city has not been assigned any exclusive territory for electric service in the county and serves almost entirely in unassigned territory. DPU purchases electricity from South Carolina Electric and Gas Company at its published sale for resale rate, and also purchases some electricity from the Southeastern Power



Administration, and distributes the electricity to its residential, commercial, and industrial customers, within and without its corporate limits over its electric distribution system.

8. Answering the allegations of paragraph 13, defendants admit that plaintiffs' predecessor and the Department of Public Utilities (DPU) for Orangeburg entered into a Pole Attachment Agreement on November 21, 1967, and that the agreement was assigned to plaintiffs on November 25, 1986. The allegations concerning plaintiffs' agreement with Southern Bell are admitted on information and belief. With respect to plaintiffs' allegations concerning the terms of the Pole Attachment Agreement between DPU and Jones, defendants allege that such agreement gives to Jones certain clearly specified and limited rights to use utility poles owned by the City of Orangeburg and defendants crave reference to the agreement for the full and true terms and conditions thereof.

9. Answering the allegations of paragraph 14, defendants admit that the use of existing utility poles is a common, practical and cost efficient means of establishing and operating a cable television system, but deny that such pole use is necessarily the most practical and cost efficient means; defendants deny that Federal or South Carolina legislation recognizes any such "most common, practical and cost efficient means" of establishing a cable system; defendants crave reference to the Federal and South Carolina legislation for the content

thereof; and defendants lack sufficient information to form a belief as to the allegations concerning plaintiffs' motivation in purchasing the assets of Orangeburg Cable TV and therefore deny them.

10. Answering the allegations of paragraph 15, defendants admit that DPU controls the substantial majority of the utility poles which plaintiffs use and wish to use, but deny that said use is "required."

11. Answering the allegations of paragraph 16, defendants admit that DPU has an agreement with Southern Bell to share poles and avoid duplication and that the effect of this agreement is that in some places where DPU has poles there are no Southern Bell poles and vice versa; the remaining allegations of paragraph 16 are denied.

12. The allegations of paragraph 17 are denied.

13. Answering paragraph 18 of the complaint, the defendants admit only that employees of DPU were informed of the basics of a proposed expansion such as the one alleged on or about January 12, 1987.

14. Answering the allegations of paragraph 19, defendants admit only that representatives of DPU had discussions in January 1987 concerning expansion plans contemplated by the plaintiffs; the remaining allegations of paragraph 19 are denied.

15. The allegations of paragraphs 20, 21, 22, 23, and 24 of the complaint are denied.

16. Answering the allegations of paragraph 25, defendants admit so much thereof as alleges that the Pole Attachment Agreement requires that the plaintiffs meet the requirements of the National Electrical Safety Code; but the agreement also prescribes other standards, conditions and requirements and reference is craved to the Agreement for the specific requirements thereof. The remaining allegations of paragraph 25 of the complaint are denied.

17. Answering the allegations of paragraph 26, defendants crave reference to the Pole Attachment Agreement for the terms and conditions thereof and admit that in those instances where compliance with the terms of the Pole Attachment Agreement requires Jones to move or adjust lines, poles, or equipment and pay the cost thereof, Jones' costs are increased by its compliance with its agreement. The remaining allegations of paragraph 26 are denied.

18. Answering the allegations of paragraph 27(a), defendants admit that the National Electrical Safety Code has since long before the Pole Attachment Agreement was executed, contained an exception to its normal forty inch requirement which permits a minimum separation between a communications cable and a grounded neutral of thirty inches, but allege that a minority of DPU poles qualify for that exception; defendants further allege that the sound professional engineering practices and standards imposed by DPU on itself, on Southern Bell, and through the Pole Attachment Agreement, on Jones, require a standardized separation

of forty inches between the lines and that the parties have accepted and acted upon the uniform forty inch requirement since the inception of the Pole Attachment Agreement. The remaining allegations of paragraph 27(a) are denied.

19. Answering the allegations of paragraph 27(b), defendants admit that the sound professional engineering practices and standards imposed by DPU on itself, on Southern Bell, and, through the Pole Attachment Agreement, on Jones, do not permit the use of "extension arms" on its poles except in unusual circumstances. The remaining allegations of paragraph 27(b) are denied.

20. The allegations of paragraphs 28, 29, and 30 are denied.

21. The defendants reallege their responses to the allegations incorporated in paragraph 31.

22. The allegations of paragraphs 32 and 33 are denied.

23. The allegations of paragraph 34 are admitted as they relate to the area served by the city within the city limits and denied as to areas without the city limits.

24. The allegations of paragraph 35 and 36 are denied.

25. Defendants deny the allegations of paragraphs 37, 38, 39 and 40.

26. Defendants reallege their responses to the allegations incorporated in paragraph 41.

27. Answering the allegations of paragraph 42 the defendants admit only that certain aspects of plaintiffs' operation of a cable television system "implicate" interests protected by the First Amendment.

28. The allegations of paragraphs 43, 44 and 45 are denied, and, further answering paragraph 43, Jones apparently does not itself recognize such a constitutional right since Jones has failed and refused, in violation of its franchise, to extend service to prospective viewers who live in certain neighborhoods in the city limits, despite repeated requests from the city and the prospective viewers that it do so.

29. Defendants reallege their responses to the allegations incorporated in paragraph 46.

30. Defendants deny the allegations of paragraph 47 and would show that the city has complied in all respects with its obligations under the Pole Attachment Agreement and has also insisted on behalf of its citizens on its rights as bargained for, and agreed to by Jones; defendants crave reference to the Agreement itself for the obligations and rights established thereby.

31. The allegations of paragraphs 48, 49 and 50 are denied.

32. Defendants reallege their responses to the allegations incorporated in paragraph 51.

33. The allegations of paragraphs 52, 53 and 54 are denied.

For a Second Defense

34. Count I fails to state a claim upon which relief can be granted as the activities of the defendants were taken pursuant to the clearly expressed policy of the State of South Carolina and are exempt under the "state action" doctrine from the coverage of federal antitrust laws.

For a Third Defense

35. The individual defendants are immune from any liability under Count I, Count II, and Count IV as all of their acts were done in good faith and under the reasonable belief that such acts violated no statutory, constitutional, or other rights of the plaintiffs.

For a Fourth Defense

36. Count III does not state a claim upon which relief can be granted against the individual defendants, because they were not parties to a contract with the plaintiffs.

For a Fifth Defense

37. Defendants Pendarvis, Alexander, Bradley, Frierson and Salley are absolutely immune from any liability under Count I, Count II and Count IV as their actions complained of were taken in a legislative capacity.

For a Sixth Defense

38. Neither Count I, Count III, nor Count IV states a claim upon which relief can be granted as to the individual defendants as no allegations of actions in an individual capacity are alleged but only actions as officials, agents, or employees acting on behalf of the city.

For a Seventh Defense

39. Count IV does not state a claim upon which relief can be granted because the parties and facts alleged are not embraced within the scope of the statute relied upon and because the parties and the facts alleged come within the exemption of S.C. Code Ann. §39-5-40 (1977).

By Way of A First Counterclaim

40. Defendants reallege and incorporate each and every paragraph set forth above not inconsistent with the allegations set forth herein.

41. The Defendants assert this counterclaim as representatives of the citizens of the City of Orangeburg who subscribe to cable television services, and the individual Defendants also assert this counterclaim in their individual capacities as subscribers or potential subscribers to cable television service in the City of Orangeburg and its outlying area.

42. The City of Orangeburg and its outlying areas constitute a geographic market for the provision of cable television services.

43. The Plaintiffs enjoy dominant market power in the relevant geographic market, the City of Orangeburg and its outlying areas, for the provision of cable television service.

44. Cable television services are provided in multiple tiers, each tier containing one or more channels. Effective in March, 1988, Plaintiffs will no longer permit subscribers to purchase the cable service heretofore designated "basic cable service" unless they also purchase the service provided in a secondary tier, containing different channels, at an additional and higher rate. Plaintiffs' practice of requiring cable television subscribers in the relevant geographic market to subscribe to additional channels from a secondary tier in order to receive channels traditionally provided in the basic cable service tier constitutes a violation of Section 1 of the Sherman Act, 15 U.S.C. §1 as an impermissible tying arrangement.

45. The channels provided in the secondary cable tier constitute the tied product, while the channels offered in the previously designated basic cable service tier, constitute the tying product.

46. The channels provided in the two tiers are separate and distinct products, and the Plaintiffs' provision of these products constitute separate and distinct services.



47. Plaintiffs' scheme to collapse the tiers forces subscribers to purchase unwanted channels which they would not otherwise have purchased in order to receive channels previously designated as basic cable services, such as area broadcast stations via cable.

48. The forced purchases inherent in this practice have foreclosed a greater than insubstantial amount of commerce. Purchasers of the undesired tied product are deterred from purchasing products and services which compete with the tied product such as pre-recorded video cassette programs, movies displayed in theatres and cinemas, and satellite receivers.

49. Subscribers to the previously designated basic cable television services are injured by Plaintiffs' anticompetitive practices since they are forced to purchase unwanted cable television channels in order to purchase the desired cable television channels which they previously purchased.

50. The Defendants and adversely affected subscribers are and will continue to be irreparably harmed by Plaintiffs' unlawful tying arrangement and the Defendants have an inadequate remedy at law.

By Way Of Second Counterclaim

51. Each and every paragraph set forth above is incorporated and realleged herein. Plaintiffs' provision of cable television access constitutes a "trade" and/or "commerce" as those terms are defined in S.C. Code Ann. §39-5-10(b)(1976).

52. Plaintiffs' tying arrangement adversely affects the public interest and is capable of being, and likely to be repeated in the future.

53. Plaintiffs' tying arrangement constitutes an unfair trade practice and violates §39-5-20(a) S.C. Code Ann. (1976).

54. The Defendants are and will continue to be irreparably harmed by Plaintiffs' unlawful tying arrangement.

By Way Of Third Counterclaim

55. Defendants reallege and incorporate each and every paragraph set forth above.

56. On November 21, 1967, Plaintiffs' predecessor in interest, Orangeburg Cable T.V., Inc., entered into a Pole Attachments Agreement with the Department of Public Utilities of the City of Orangeburg (DPU). By this Agreement, Orangeburg Cable T.V. was allowed to attach its cable to the utility poles of D.P.U.

57. Upon the purchase by Plaintiffs of Orangeburg Cable T.V., Inc., the Plaintiffs assumed the rights and responsibilities of Orangeburg Cable T.V. under the Pole Attachments Agreement.

58. The Pole Attachments Agreement in Paragraph 3 requires plaintiff to submit an application and receive a permit for each DPU utility pole to which it wishes to attach its cable

television cable or equipment. At the time that Orangeburg Cable T.V. began operations, and at all times since, the DPU utility poles have been used for the provision of electric service and telephone service and accordingly have electric and telephone cables and equipment attached to them. Good engineering practices and safety considerations require that strict spacing requirements be maintained between the various utility and communications cables and equipment on a given pole and between such cables and equipment and the ground.

59. In order to maintain these spacing requirements and clearances, the Pole Attachments Agreement requires the plaintiffs to submit applications for pole attachment permits containing detailed diagrams of each specific pole to which attachment is sought. These diagrams show the location on each pole of all existing utility cables and equipment and the location of any cables and equipment which plaintiffs propose to attach to the poles. The diagrams also show the distances between all existing pole attachments and between existing attachments and those proposed by the plaintiffs.

60. Prior to making any actual attachments to DPU poles, the Plaintiffs are required to submit to DPU for approval pole attachment permit applications containing the pole diagrams described in the preceding paragraph. Employees of DPU review these applications for compliance with the spacing and clearance requirements specified by DPU pursuant to the Pole Attachments

Agreement. In reviewing and approving these applications DPU is entitled to and does rely upon the accuracy of information submitted by the plaintiffs and their representatives.

61. Plaintiffs by the terms of the Pole Attachments Agreement are required to attach their cable to DPU poles strictly in compliance with the pole permits previously issued by DPU. Any difference between the permitted attachment and the actual attachment made by plaintiffs' employees constitutes a breach of the agreement unless the discrepancy is noted on the permit, submitted to DPU for approval, and approved.

62. The permitting procedures described above have been in effect since the inception of the Pole Attachments Agreement, a period of approximately twenty years. During this period, DPU has repeatedly found violations of various provisions of the Pole Attachments Agreement and the DPU permitting procedures. Through the years, DPU has met with varying degrees of success in requiring plaintiffs and plaintiffs' predecessor to correct violations in pole attachments and in maintaining accurate and complete pole permits on file.

63. In connection with this litigation DPU conducted a sample survey of plaintiffs' pole attachments and pole attachment permits for compliance with the requirements of the Pole Attachments Agreement and the DPU permitting procedures. The results of this survey showed widespread violations by the plaintiffs of the terms of the Pole Attachments Agreement. These violations included:

- a) poles used without applying for permits;

- b) failure to maintain proper road clearances;
- c) failure to maintain proper clearances between plaintiffs' cable and other attachments;
- d) failure to set anchors;
- e) undocumented discrepancies between actual construction and the permit applications made by plaintiffs and approved by DPU.

Each and every violation discovered in this survey is a violation of the Pole Attachments Agreement and the very substantial number of the violations, as well as the history of repeated violations, demonstrate plaintiffs' neglect of their responsibilities under the Pole Attachments Agreement.

64. The survey conducted by DPU covered a small but substantial and representative sample of poles to which plaintiffs' cable system is attached. The survey results showed violations by plaintiffs on an estimated twenty percent (20%) of such poles. It would be far too costly and burdensome for DPU to conduct a survey of all of its poles to determine each and every violation by the plaintiffs. Under the terms of the Pole Attachments Agreement it is plaintiffs' responsibility to see that its pole attachments comply with the Pole Attachments Agreement and the DPU permits.

65. The Defendants are and will continue to be irreparably harmed by Plaintiffs' refusal to abide by their responsibilities under the Pole Attachments Agreement, and the Defendants have an inadequate remedy at law.

WHEREFORE, these Defendants, having responded to the Complaint, pray that Plaintiffs' claims be dismissed with prejudice, and for such relief on its Counterclaims as the Court may deem just and proper including, on the FIRST COUNTERCLAIM,

(a) a declaratory judgment that the Plaintiffs actions as specified above are in violation of the Sherman Act, 15 USC §1;

(b) a permanent injunction enjoining the Plaintiffs from requiring subscribers who only desire to purchase those channels previously designated as "basic service" to also purchase additional channels as a prerequisite to obtaining the basic service;

(c) an award of such actual damages as may be proved at trial, trebled;

(d) costs and attorneys fees; and,

on the SECOND COUNTERCLAIM,

(a) such actual damages as may be proved at trial; and,

(b) a permanent injunction requiring the Plaintiffs' to:

(1) survey each and every DPU pole to which its cable system is attached;

(2) correct each and every violation found by such survey; and,

In the Presence of:

B. Reese EarleyD.W. Curles

As to E. J. Braxton

B. Reese EarleyD.W. Curles

As to Lyla C. Braxton

Paulette F. Rush

As to The City of Orangeburg

E. J. Braxton

E. J. Braxton

Lyla C. Braxton

Lyla C. Braxton

Lessors.

CITY OF ORANGEBURG

By: F. O. Pondarvis

Mayor

Lessee.

STATE OF SOUTH CAROLINA )

COUNTY OF ORANGEBURG. )

Personally appeared before me David W. Curles,who, being duly sworn, says that he saw the above namedE. J. Braxton & Lyla C. Braxton sign, seal and, as theiract and deed, deliver the foregoing Lease Agreement, and that hewith B. Reese Earley witnessed the execution thereof.SWORN to me this 1<sup>st</sup> day )

of March, 1988. )

B. Reese EarleyNOTARY PUBLIC FOR SOUTH )  
CAROLINA )David W. CurlesMy Commission expires: 2/14/90

STATE OF SOUTH CAROLINA )

COUNTY OF ORANGEBURG )

Personally appeared before me Paulette F. Rush,who, being duly sworn, says that she saw the abovenamed F. O. Pondarvis sign, seal and, as his actand deed, deliver the foregoing Lease Agreement, and that she withCarol Ann Brunson witnessed the execution thereof.SWORN to me this 1<sup>st</sup> day )

of March, 1988. )

B. Reese EarleyNOTARY PUBLIC FOR SOUTH )  
CAROLINA )Paulette F. RushRecorded this 11<sup>th</sup> day ofMarch 19 88 in SealMy Commission expires: 2/14/90Book 533 at Page 1051F. A. S. S. S.

RMC

ORANGEBURG CO., S. C.

- (3) submit corrected pole permit applications demonstrating that it has corrected all violations.

ROBINSON, MCFADDEN, MOORE, POPE,  
WILLIAMS, TAYLOR & BRAILSFORD, P.A.

By: James M. Brailsford, III *by FFE*  
James M. Brailsford, III

By: Frank R. Ellerbe, III  
Frank R. Ellerbe, III  
P. O. Box 944  
Columbia, SC 29202  
803-779-8900

Columbia, South Carolina

March 1, 1988.



CITY COUNCIL MINUTES  
APRIL 19, 1988

367

Orangeburg City Council held its regularly scheduled meeting on April 19, 1988 in City Hall Chambers at 7:00 P.M., Mayor Pendarvis presiding.

PRESENT: E. O. Pendarvis, Mayor  
W. Everette Salley, Mayor Pro Tem  
Henry F. Frierson  
Sara H. Alexander  
Herbert W. Bradley, Jr.

A motion by Councilmember Bradley, seconded by Councilmember Alexander, unanimously approved the April 5, 1988 City Council Minutes as distributed.

To clarify a motion that was passed on 4-5-88, a motion by Mayor Pro Tem Salley, seconded by Mayor Pendarvis, unanimously approved for the existing lease for the operation of the airport not to be renewed and that a new lease be negotiated taking into account current conditions. Mayor Pro Tem Salley did not mean in his first motion of 4-5-88 that this new lease has to be negotiated with the present operator.

A request was received from the Orangeburg County Chamber of Commerce to initiate a new lease between the City and the Chamber. A motion by Mayor Pro Tem Salley, seconded by Councilmember Alexander, unanimously approved to refer this to Attorney Walsh for lease agreement preparation.

Don Smith presented an evaluation to Council concerning accesses to the new subdivision at the end of Livingston Terrace. Representing the developers, Attorney Tom Bryant, said that an agreement can be worked out to save harmless the City from liability from a street over a dam that the state will not take into its system. A motion by Mayor Pro Tem Salley, seconded by Councilmember Alexander, unanimously approved to accept the six (6) proposed streets, not to include one over the dam, subject to receipt of the afore mentioned instrument by the City Attorney.

City Administrator Smith informed Council that Public Safety Director, Eugene A. Brant, had written the Ku Klux Klan for them to choose an alternate date other than 4-30-88 for their demonstration. To date he had not received a response. A motion by Mayor Pro Tem Salley, seconded by Councilmember Frierson, unanimously denied this request because it conflicts with the Rose Festival. Public Safety Director Brant states that he could not provide adequate police protection at that time due to the Rose Festival.

A request was received from Mr. David Ott of the Public Safety Department requesting consideration in his case that in less than one year he will have thirty (30) years of service to the City and that under the present policy if he was to retire before age sixty (not of age 60) he would lose his health insurance benefits. A motion by Mayor Pendarvis, seconded by Mayor Pro Tem Salley, unanimously approved for City Administrator Smith and Department of Public Utilities Manager, Ted Johnson to review the current City policy and bring a recommendation to Council.

A motion by Mayor Pro Tem Salley, seconded by Councilmember Bradley, unanimously approved to send a letter to the state highway engineer concerning improvements to Boulevard NE and St. Matthews Road NE.

Hillcrest Golf Course Manager, Tom Vargo, presented a report to Council on the greatly improved revenue situation at the golf course. He stated that if conditions continue the deficit will not be as great as budgeted. He said this means we are moving closer to reaching the break-even point if conditions continue to improve. Mayor Pendarvis and Mayor Pro Tem Salley both expressed their feelings that we definitely need to reach that break-even point.

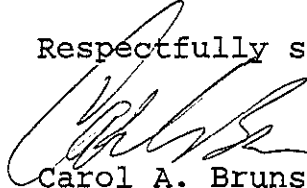
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CITY COUNCIL MINUTES  
APRIL 19, 1988  
PAGE 2

There was no Department of Public Utilities matters as Manager, Ted Johnson, was not present.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carol A. Brunson  
City Clerk

/r

# Donald J. Smith & Associates II., Inc.

Engineering Consultants  
120 Bull St.  
P.O. Box 2043  
Orangeburg, SC 29116-2043  
(803) 533-1083

April 14, 1988

Members of City Council  
City of Orangeburg, S.C. 29116

Re: Proposed Streets

Dear Members of Council,

We have evaluated the possible alternative entrance locations to serve the proposed project as requested and submit the following for your consideration.

**Livingston Terrace** - Livingston Terrace has been used as access for this property for many years and is being currently used by the owners and tenant. This route provides the most direct and unobstructed access to the property and is the most economically feasible. Also, this route would not destroy or endanger protected wetland habitat as would other possible accesses.

Previous owners have constructed approximately three hundred feet of asphalt roadway that can be utilized at a savings of \$6,000. The Livingston Terrace access is the only route that would utilize this existing roadway. Abandonment of this road would result in the loss of approximately 0.50 acre of usable land.

The proposed project will consist of lots of comparable price range as those of Livingston Terrace. The developers of this project anticipate lots prices to range between \$25,000 and \$60,000. Records show the appraised value of the lots along Livingston Terrace to be between \$21,000 and \$45,000.

**Riverside Drive** - Access for the proposed development from Riverside Drive would require the filling of approximately 95,000 square feet of protected wetland habitat. Construction of this road would require a permit from the U.S. Army Corp. of Engineers. The decision to issue this permit would be based on an evaluation of the probable impact of the project, including cumulative impacts of the proposed activity, and will include the application of guidelines promulgated by the Secretary of the Environmental

Protection Agency in conjunction with the Secretary of the Army under authority of Section 404(b) of the Clean Water Act. These guidelines state that:

- a. "no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences."

The process of applying for this permit would take approximately six to twelve months.

This access location would also destroy approximately 11,000 cubic yards of floodplain, increasing the flood depths in other locations of the Caw Caw drainage basin. The cost of constructing this road, if permitted, would be approximately \$173,600.

Plantation - This location of the entrance road would also destroy protected wetland habitat. Approximately 2,550 square feet would be affected. Construction of this road would be approximately \$16,400. Loss of land associated with this change in the entrance location would amount to approximately \$30,000.

This location would require traffic to enter the development thru North Ridge Subdivision. Lot prices in North Ridge have an appraised value that range from \$7,800 to \$12,000, as compared to the anticipated lot prices of \$25,000 to \$60,000 in the proposed project. The developers feel that this large difference in prices would be detrimental to their project.

Also, this route would be less direct than others, increasing the possibility of traffic problems. The entrance at this location would have a greater slope than is desirable for residential streets.

Riley - Entering the project from Riley would increase the street cost by approximately \$11,400. This site would be similar in location to that of Livingston Terrace but would not be as direct and require traffic to negotiate three ninety degree turns.

This entrance location would be affected by the difference in lot prices as mentioned in the case of the Plantation entrance. Loss of residential land associate with this

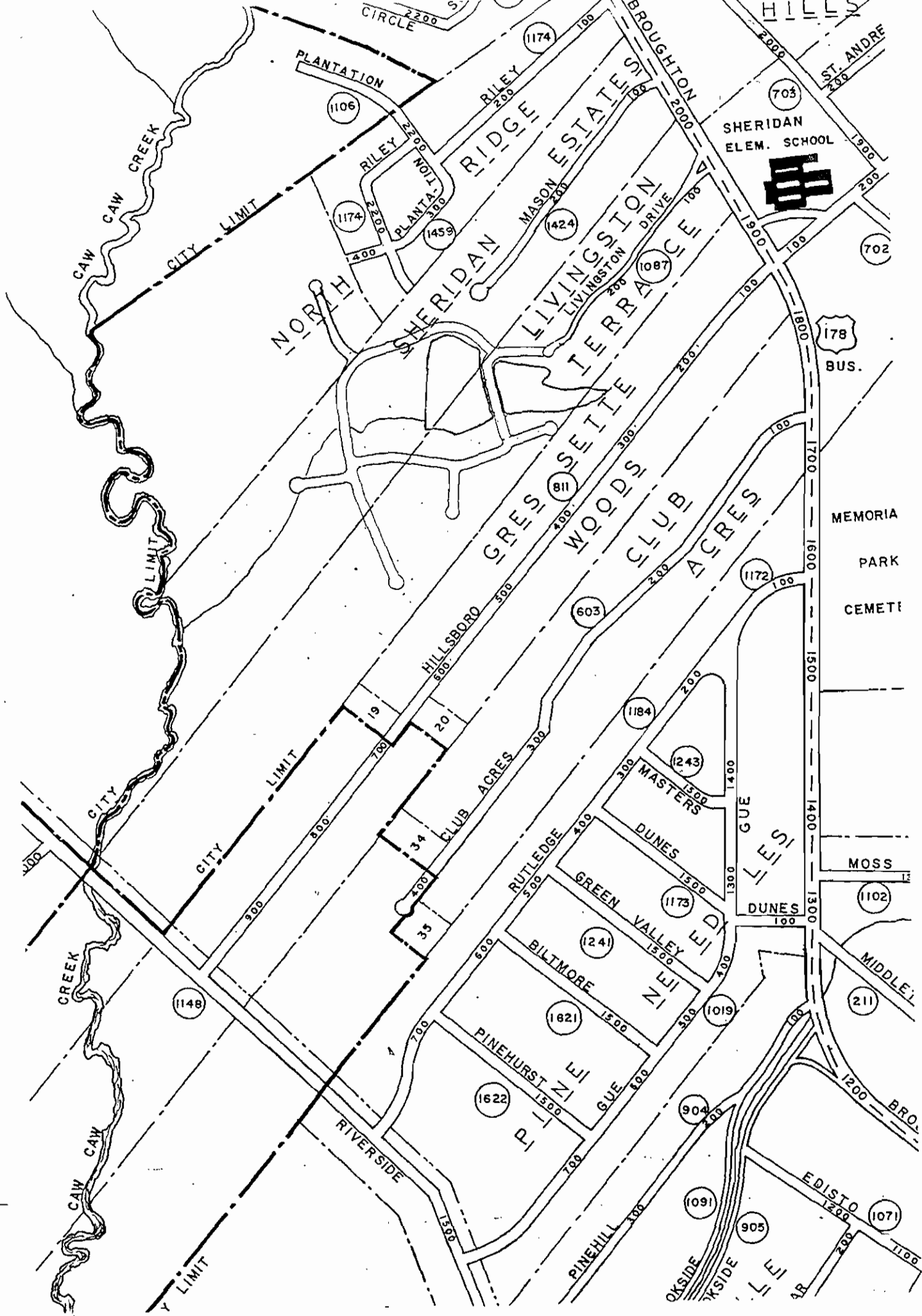
change in the entrance location would be approximately \$35,000.

It is our opinion that the Riverside Drive and Plantation locations are the least desirable route for an entrance, primarily because they would require the destruction of environmentally important, protected wetland habitat and the excessive costs associated with construction. The Riley Drive location would serve no purpose except to re-route traffic from Livingston Terrace thru North Ridge Subdivision, a route that would be more indirect, obstructed and costlier.

In summary, we feel that Livingston Terrace is the more direct, logical, economical as well as least environmentally damaging location available.

Very Sincerely Yours,

Donald J. Smith, R.L.S.  
President



CITY COUNCIL MINUTES  
MAY 3, 1988

369

Orangeburg City Council held its regularly scheduled meeting on May 3, 1988 in City Hall Chambers at 7:00 P.M., Mayor Pendarvis presiding.

PRESENT: E. O. Pendarvis, Mayor  
W. Everette Salley, Mayor Pro Tem  
Henry F. Frierson  
Sara H. Alexander  
Herbert W. Bradley, Jr.

A Public Hearing was held for rezoning property located on the 400 block of Sellers, SE from A-2 Residential to D-1 Industrial and for rezoning property located on the 300 block of Seaboard, NW from A-2 Residential to B-1 Business.

A motion by Councilmember Frierson, seconded by Councilmember Alexander, unanimously approved the April 19, 1988 City Council Minutes as distributed.

A motion by Councilmember Bradley, seconded by Councilmember Alexander, unanimously approved the amended Retirement Policy--Hospitalization Insurance Plan. It was noted that this change would be effective immediately upon Council's approval. A copy of which is attached.

A motion by Mayor Pro Tem Salley, seconded by Councilmember Frierson, unanimously approved the first reading of an ordinance to rezone the property located on the 400 block of Sellers, SE from A-2 Residential to D-1 Industrial.

A motion by Councilmember Frierson, seconded by Mayor Pro Tem Salley, unanimously approved to rezone the property located on the 300 block of Seaboard, NW from A-2 Residential to B-1 Business.

A motion by Mayor Pro Tem Salley, seconded by Councilmember Alexander, unanimously approved for the Uptown Merchant's to have two (2) sidewalk sales on May 6th through 7th and June 10th through the 11th.

A motion by Mayor Pro Tem Salley, seconded by Councilmember Bradley, unanimously approved the low bid of \$20,480 from Lee's Lawnmowing Service for the cutting and maintaining of weedy lots.


A motion by Mayor Pro Tem Salley, seconded by Councilmember Bradley, unanimously approved the purchase of radio beacon equipment (\$9,195) for the Orangeburg Municipal Airport from Southern Aviation Company, Beaumont, Texas, noting that the City received a grant in the amount of \$6,725 from the South Carolina Aeronautics Commission.

A motion by Councilmember Alexander, seconded by Mayor Pendarvis, unanimously approved a Proclamation observing May 6, 1988 as National Nurses' Day.

Department of Public Utilities Manager, Ted Johnson, brought no utility matters before Council.

There being no further business, the meeting was adjourned.

L. Hugh Smith

  
City Administrator

/r

ABB132

CITY COUNCIL MINUTES  
MAY 17, 1988

Orangeburg City Council held its regularly scheduled meeting on May 17, 1988 in City Hall Chambers at 7:00 P.M. Mayor Pendarvis presiding.

PRESENT: E.O. Pendarvis, Mayor  
W. Everette Salley, Mayor Pro Tem  
Henry F. Frierson  
Sara H. Alexander

ABSENT: Herbert W. Bradley, Jr.

A motion by Mayor Pro Tem Salley, seconded by Councilmember Frierson, unanimously approved the May 3, 1988 City Council Minutes as distributed.

A motion by Councilmember Frierson, seconded by Councilmember Alexander, unanimously approved the second reading of an ordinance to rezone the following:

- a. A-2 Residential to D-1 Industrial--400 Block of Sellers SE
- b. A-2 Residential to B-1 Business--300 Block of Seaboard NW

A motion by Councilmember Alexander, seconded by Mayor Pro Tem Salley, unanimously approved the first reading of an ordinance to lease to the Orangeburg Chamber of Commerce the lot and building known as the "Chamber Building" located on U. S. Highway 301 in the City of Orangeburg, SC.

A motion by Mayor Pendarvis, seconded by Councilmember Frierson, unanimously approved the Crime Stoppers request to match up to \$5,000 (each from City and County) after Crime Stoppers raises \$10,000 from private donations.

A motion by Mayor Pendarvis, seconded by Councilmember Frierson, unanimously approved the pawn shop application from Gale R. Stanley.

A motion by Councilmember Alexander, seconded by Mayor Pendarvis, unanimously approved the low bid of \$16,995.30 from Zimmerman-Evans, Inc., in Greensboro, NC for the purchase of fire fighting equipment for the Public Safety Department.

At this time Mayor Pendarvis read a letter concerning the recent fire at Lee's Exxon Station which praised the quick action of several persons for avoiding a very dangerous situation. The main point of this letter was that a Public Safety Officer in the area with fire fighting equipment in his vehicle was able to respond immediately to this situation.

A motion by Councilmember Frierson, seconded by Councilmember Alexander, unanimously approved the following Resolutions:

1. A Resolution expressing intentions of the City of Orangeburg to file an application for Rental Rehabilitation Program Grant Funds in the approximate amount of \$50,000.
2. A Resolution authorizing the State Housing Authority to handle any and all HUB Section 8 Vouchers for Rental Rehabilitation Grant.

DPU Manager, Ted Johnson, informed Council that an upcoming increase in natural gas from the supplier will be passed along to customers "penny for penny." This will be reflected in the surcharge refund which will vary from month to month.

A motion by Mayor Pro Tem Salley, seconded by Mayor Pendarvis, unanimously approved the Resolution authorizing Mayor Pendarvis to sign all necessary contracts concerning the above matter.





S. O. PENDARVIS  
MAYOR

ARA H. ALEXANDER  
HERBERT W. BRADLEY, JR.  
HENRY F. FRIERSON, M.D.  
W. EVERETTE SALLEY, D.V.M.  
MEMBERS OF COUNCIL

L. HUGH SMITH  
CITY ADMINISTRATOR

## City of Orangeburg

South Carolina

29116-0387

TO: Orangeburg City Council

FROM: L. Hugh Smith, City Administrator  
Ted Johnson, Manager DPU

DATE: April 22, 1988

SUBJECT: City Retirement Policy--Hospitalization Insurance

As requested at the City Council Meeting held on 4-19-88 we have reviewed the policy determining the eligibility of city employees to retire and to retain some insurance benefits.

The current policy basically is:

1. The employee may retire after having reached the age of 60 with at least 20 years of service.
2. The employee may retire at the age of 65 with at least 15 years of service.

One possible amendment to this policy that would recognize employees who have served 30 or more years with the City and who would like to retire prior to age 60 would be the following:

The employee may retire at any age after having served 30 or more years with the City. If an employee retires with 30 or more years service prior to reaching the age of 60, he or she would be allowed to retain coverage on the City's hospitalization policy at his or her own expense. Upon reaching age 60 the City would then begin paying the same insurance premiums that are then currently being paid for other retired employees. This benefit would apply only to those employees who remained on the City policy from the time he or she retired until reaching age 60.

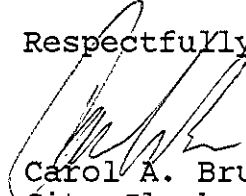
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CITY COUNCIL MINUTES  
MAY 17, 1988  
PAGE 2

A motion by Mayor Pro Tem Salley, seconded by Councilmember Alexander, unanimously approved the Resolution authorizing the change in rates for natural gas.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carol A. Brunson  
City Clerk

/r

ABB132

CITY COUNCIL MINUTES  
JUNE 7, 1988

Orangeburg City Council held its regularly scheduled meeting on June 7, 1988 in City Hall Chambers at 7:00 P.M., Mayor Pendarvis presiding.

PRESENT: E. O. Pendarvis, Mayor  
W. Everette Salley, Mayor Pro Tem  
Henry F. Frierson  
Sara H. Alexander  
Herbert W. Bradley, Jr.

A motion by Councilmember Alexander, seconded by Councilmember Bradley, unanimously approved the May 17, 1988 City Council Minutes as distributed.

Parks and Recreation Department Director, Marion J. Smith, informed Council that the "All America Rose Selections" has presented a certificate for outstanding Rose Garden Maintenance in 1987 to the Edisto Memorial Gardens Rose Gardens. The society commended Marion Davis, City Horticulturist, and all other City employees who contributed to making this honor possible.

A motion by Councilmember Alexander, seconded by Councilmember Frierson, unanimously approved the third reading of an ordinance to rezone the following:

- a. A-2 Residential to D-1 Industrial--400 Block of Sellers, SE
- b. A-2 Residential to B-1 Business--300 Block of Seaboard, NW

A motion by Mayor Pro Tem Salley, seconded by Councilmember Alexander, unanimously approved the second reading of an ordinance for the Chamber of Commerce Lease.

A motion by Mayor Pendarvis, seconded by Councilmember Frierson, unanimously agreed to hold a joint auction with the County and City for sale of surplus property.

A motion by Councilmember Frierson, seconded by Mayor Pendarvis, unanimously approved the request of the Ku Klux Klan to hold a parade on 6-18-88 with restrictions to be placed by the Public Safety Director, Eugene Brant.

Department of Public Utilities Manager, Ted Johnson, brought no utility matters before Council.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carol A. Brunson  
City Clerk

/r

RESOLUTION

RENTAL REHABILITATION GRANT APPLICATION

WHEREAS, The City of Orangeburg intends to file an application for Rental Rehabilitation Program Grant funds in the approximate amount of \$50,000, and

WHEREAS, these funds are to be used for the Rehabilitation assistance for low and moderate income families in the City of Orangeburg, and

NOW, THEREFORE BE IT RESOLVED, that the City of Orangeburg authorizes the processing of said application for the grant funds.

ADOPTED, this 17th day of May, 1988 at Orangeburg, South Carolina.

E. O. Paulsen's  
MAYOR

W. Keith Riley

Lana H. Alexander

Henry B. Freeman

\_\_\_\_\_  
MEMBERS OF COUNCIL

ATTEST:

[Signature]  
CITY CLERK

RESOLUTION

ADMINISTRATION OF HUD SECTION 8 VOUCHERS FOR RENTAL REHABILITATION GRANT

WHEREAS, The City of Orangeburg intends to file an application for Rental Rehabilitation Program Grant funds in the approximate amount of \$50,000, and

WHEREAS, these funds are to be used for the Rehabilitation assistance for low and moderate income families in the City of Orangeburg, and

NOW, THEREFORE BE IT RESOLVED, that the City of Orangeburg authorizes the State Housing Authority to handle any and all HUD Section 8 Vouchers in connection with the City's Rental Rehabilitation Grant Application, if funded.

ADOPTED, this 17th day of May, 1988 at Orangeburg, South Carolina.

E. O. Ponder  
MAYOR

W. Everett Selby

Sam A. Alexander

Henry B. Finson

\_\_\_\_\_  
MEMBERS OF COUNCIL

ATTEST:

[Signature]  
CITY CLERK

R E S O L U T I O N

BE IT RESOLVED By the Mayor and Members of Council of the City of Orangeburg, South Carolina, in Council assembled, and by authority of the same:

That the rates of the Department of Public Utilities of the City of Orangeburg pertaining to Natural Gas, as heretofore adopted be, and the same are hereby repealed, and in lieu thereof, the Natural Gas Rates of the Department of Public Utilities of the City of Orangeburg, hereto attached, be and they are hereby, declared effective and in full force on June 15, 1988 billings.

PASSED by the City Council, in Council assembled at Orangeburg, South Carolina, this 17th day of May, 1988.

Signed:

E. O. Pondanis

Mayor

W. Scott Selley  
James H. Alexander  
Henry B. Grinson

Members of Council

ATTEST:

[Signature]  
City Clerk and Treasurer

Department of Public Utilities - Orangeburg, South Carolina

ELECTRIC RATE

NO. 1 - RESIDENTIAL SERVICE (Code 2A)

APPLICABLE: To a single-family dwelling unit supplied through one meter for domestic use. This schedule is not applicable to a residence which is used for commercial, professional, or any other enterprise unless the domestic use can be separately metered, in which case this schedule is applicable to the metered domestic portion of energy use only.

CHARACTER OF SERVICE: Alternating current, 60 hertz. Voltage and phase at the option of the Company.

GROSS MONTHLY RATE: (See Article IV-A, Item number 4, "General Terms and Conditions" for discount)

Standard Rate

First	50 kwhr @ \$0.1319 per kwhr
Next	200 kwhr @ \$0.0719 per kwhr
All in excess of	250 kwhr @ \$0.0614 per kwhr

Minimum

\$6.38 per meter per month.

Note: "General Terms and Conditions" in effect apply to above. See Article IV-A, Item Number 4, "General Terms and Conditions" for discount on above. CURRENT FUEL CHARGE WILL BE APPLIED TO THIS RATE SCHEDULE.

Effective: March 1, 1988

ELECTRIC RATE

NO. 1-A - RESIDENTIAL SERVICE - ALL ELECTRIC (Code 2B)

APPLICABLE: To a single-family private dwelling unit supplied through one meter for all domestic use, including water heating, space heating, and air conditioning, where electric service is the only source of energy for the dwelling unit, except energy provided by wood-burning fireplaces used primarily for aesthetic purposes. This schedule is not applicable to a residence which is used for commercial purposes. If the customer's wiring is so arranged that electric service for domestic and nondomestic purposes can be metered separately, this schedule is applicable to that portion used for domestic purposes only.

CHARACTER OF SERVICE: Alternating current, 60 hertz. Voltage and phase at the option of the Company.

GROSS MONTHLY RATE: (See Article IV-A, Item number 4, "General Terms and Conditions" for discount)

Standard Rates

Summer Season

First	50 kwhr @ \$0.1319 per kwhr
Next	200 kwhr @ \$0.0719 per kwhr
All in excess of	250 kwhr @ \$0.0614 per kwhr

Winter Season

First	50 kwhr @ \$0.1319 per kwhr
Next	200 kwhr @ \$0.0719 per kwhr
Next	750 kwhr @ \$0.0614 per kwhr
All in excess of	1,000 kwhr @ \$0.0506 per kwhr

Minimum

\$6.38 per meter per month.

The winter season begins with Cycle 7 bills dated November and ends with Cycle 6 bills dated May. The summer season applies for all other bills rendered during the year.

Note: "General Terms and Conditions" in effect apply to above. See Article IV-A, Item Number 4, "General Terms and Conditions" for discount on above. CURRENT FUEL CHARGE WILL BE APPLIED TO THIS RATE SCHEDULE.

Effective: March 1, 1988



Department of Public Utilities - Orangeburg, South Carolina

ELECTRIC RATE

NO. 2 - GENERAL SERVICE (Code 2C)

APPLICABLE: To any nondomestic and/or commercial or industrial customer for all power and energy uses at any one location where service of a single character is taken through one meter at one point of delivery for which no specific schedule is provided. This schedule is not applicable to breakdown, standby, supplementary, resale or shared electric service. All temporary service will be billed under this schedule. This rate will not be available for any new account which has a demand in excess of 300 KW.

CHARACTER OF SERVICE: Alternating current, 60 hertz. Voltage and phase at the option of the Company.

GROSS MONTHLY RATE: (See Article IV-A, Item Number 4, "General Terms and Conditions" for discount)

Standard Rate

First	50 kwhr @ \$0.1299 per kwhr
Next	100 kwhr @ \$0.1190 per kwhr
Next	200 kwhr @ \$0.0962 per kwhr
Next	2,650 kwhr @ \$0.0731 per kwhr
All in excess of 3,000 kwhr @	\$0.0643 per kwhr

Minimum

\$6.38 per meter per month.

Note: "General Terms and Conditions" in effect apply to above. See Article IV-A, Item Number 4, "General Terms and Conditions" for discount on above. CURRENT FUEL CHARGE WILL BE APPLIED TO THIS RATE SCHEDULE.

Effective: March 1, 1988

Department of Public Utilities - Orangeburg, South Carolina

ELECTRIC RATE

NO. 2-A - GENERAL SERVICE - ALL ELECTRIC (Code 2D)

APPLICABLE: To any nondomestic and/or commercial or industrial customer who would otherwise receive service under Rate No. 2 for all general power and energy use including lighting, water heating, space heating and air conditioning, where electric service is the only source of energy. This rate will not be available for any account which has a demand in excess of 300 KW.

CHARACTER OF SERVICE: Alternating current, 60 hertz. Voltage and phase at the option of the Company.

GROSS MONTHLY RATE: (See Article IV-A, Item Number 4, "General Terms and Conditions" for discount)

Standard Rates

Summer Season

First	50 kwhr @ \$0.1299 per kwhr
Next	100 kwhr @ \$0.1190 per kwhr
Next	200 kwhr @ \$0.0962 per kwhr
Next	2,650 kwhr @ \$0.0731 per kwhr
All in excess of	3,000 kwhr @ \$0.0643 per kwhr

Winter Season

First	50 kwhr @ \$0.1299 per kwhr
Next	100 kwhr @ \$0.1190 per kwhr
Next	200 kwhr @ \$0.0962 per kwhr
Next	650 kwhr @ \$0.0731 per kwhr
Next	2,000 kwhr @ \$0.0687 per kwhr
All in excess of	3,000 kwhr @ \$0.0556 per kwhr

Minimum

\$16.90 per meter per month.

The winter season begins with Cycle 7 bills dated November and ends with Cycle 6 bills dated May. The summer season applies for all other bills rendered during the year.

Note: "General Terms and Conditions" in effect apply to above. See Article IV-A, Item Number 4, "General Terms and Conditions" for discount on above. CURRENT FUEL CHARGE WILL BE APPLIED TO THIS RATE SCHEDULE.

Effective: March 1, 1988

ELECTRIC RATE

No. 3 - MEDIUM GENERAL SERVICE (Code 2E)

APPLICABLE: To industrial or commercial customers for general power and energy purposes and having demands of 100 kw or over. This schedule is not applicable to breakdown, standby, supplementary, resale or shared electric service.

CHARACTER OF SERVICE: Alternating current, 60 cycle, three phase service. Voltage at the option of the Company.

GROSS MONTHLY RATE: (See Article IV-A, Item Number 4, "General Terms and Conditions" for discount)

Demand Charge

First 100 kw @ \$973.00 of billing demand  
All in excess of 100 kw @ \$9.73 per kw of billing demand

The billing demand (to the nearest whole KW) shall be the greatest of (1) the maximum integrated fifteen-minute demand measured during the current month, (2) eighty percent (80%) of the highest demand occurring during the eleven preceding months, or (3) the contract demand, or (4) 100 KW.

Energy Charge

All kwhr @ \$0.03080 per kwhr

Minimum

The minimum monthly charge shall be the demand charge as determined above.

POWER FACTOR CORRECTION: The customer shall at all times maintain a power factor of not less than 85 percent. The Department reserves the right to conduct tests to determine the power factor of the customer's installation during periods of maximum demand or by measurement of the average power factor for the monthly billing period. Should the power factor so determined fall below 85 percent, the demand for billing purposes will be determined by multiplying the maximum kw demand by 85 percent and dividing by the determined power factor. No credit shall be given for power factor greater than 85 percent.

Note: "General Terms and Conditions" in effect apply to above. See IV-A, Item Number 4, "General Terms and Conditions" for discount on above. CURRENT FUEL CHARGE WILL BE APPLIED TO THIS RATE SCHEDULE.

Effective: March 1, 1988

Department of Public Utilities - Orangeburg, South Carolina

ELECTRIC RATE

NO. 4 - IRRIGATION SERVICE (CODE 2F)

APPLICATION: To any customer for all power and energy used at any one location where service of a single character is taken through one meter for the operation of electric motor driven pumps and equipment supplying water for irrigation of farmlands and plant nurseries. The pumping units served hereunder shall be used solely for the purpose of irrigation.

CHARACTER OF SERVICE: Alternating current, 60 cycle, three phase service. Voltage at the option of the Company.

STANDARD RATE

I. SUMMER - Months of June - September

ON-PEAK - Billing Demand - \$ 5.78 per kw. of billing demand  
Energy ----- \$ .1333 per kwhr.

SHOULDER - Energy ----- \$ .0889 per kwhr.

OFF-PEAK - Energy ----- \$ .0444 per kwhr.

II. WINTER - Months of October - May

All Energy ----- \$ .0444 per kwhr.

MINIMUM CHARGE: The monthly minimum charge shall be \$12.00 per month except when the revenue produced by the customer does not sufficiently support the investment required to serve the load. The Company will determine in each case the amount and form of payment required to correct the revenue deficiency.

ON-PEAK, SHOULDER, AND OFF-PEAK HOURS

- A. On-Peak Hours: Summer months of June through September  
The on-peak hours are defined as the hours between 1:00 p.m. - 7:00 p.m.  
Monday - Friday, excluding holidays \*
- B. Shoulder Hours: Summer months of June through September  
The shoulder hours are defined as the hours between 11:00 a.m. - 1:00 p.m.  
and 7:00 p.m. - 9:00 p.m. Monday - Friday, excluding holidays \*
- C. Off-Peak Hours: The off-peak hours in any month are defined as all hours not specified above as on-peak or shoulder hours.

\*Holidays are Independence Day and Labor Day.

NOTE: "General Terms and Conditions" in effect apply to above. See IV-A, Item Number 4, "General Terms and Conditions" for discount on above. CURRENT FUEL CHARGE WILL BE APPLIED TO THIS RATE SCHEDULE.

Effective: March 1, 1988

Department of Public Utilities - Orangeburg, South Carolina

ELECTRIC RATE

NO. 7 - LARGE POWER AND INDUSTRIAL (Users having Connected Load of 41 kilowatts and over) (Code 2I)

Monthly Minimum Charge of \$3.00 per kw of Connected Load.

First	50 kwhr @ \$0.13611 per kwhr per month
Next	100 kwhr @ \$0.11452 per kwhr per month
Next	200 kwhr @ \$0.10552 per kwhr per month
Next	4,650 kwhr @ \$0.06968 per kwhr per month
All in excess of 5,000 kwhr @ \$0.05696 per kwhr per month	

NOTE: THIS RATE NOT AVAILABLE AFTER OCTOBER 6, 1970.

Note: "General Terms and Conditions" in effect apply to above. See Article IV-A, Item Number 4, "General Terms and Conditions" for discount on above. CURRENT FUEL CHARGE WILL BE APPLIED TO THIS RATE SCHEDULE.

Effective: March 1, 1988

ELECTRIC RATE

NO. 8 - LARGE GENERAL SERVICE (Code 2H)

APPLICABLE: To large industrial or commercial customers for general power and energy purposes and having demands of 1,000 kw or over. This schedule is not applicable to breakdown, standby, supplementary, re-sale or shared electric service.

CHARACTER OF SERVICE: Alternating current, 60 cycle, three phase service. Service will be metered at primary voltage.

GROSS MONTHLY RATE: (See Article IV-A, Item Number 4, "General Terms and Conditions" for discount)

Demand Charge

First 1,000 kw @ \$9,730.00 of billing demand  
All in excess of 1,000 kw @ \$9.24 per kw of billing demand

The billing demand (to the nearest whole KW) shall be the greatest of: (1) the maximum integrated fifteen-minute demand measured during the current month, (2) eighty percent (80%) of the highest demand occurring during the eleven preceding months, (3) the contract demand, or (4) 1,000 KW.

Energy Charge

First 400,000 kwhr @ \$0.03080 per kwhr  
All in excess of 400,000 kwhr @ \$0.02970 per kwhr

Minimum

The minimum monthly charge shall be the demand charge as determined above.

POWER FACTOR CORRECTION: The customer shall at all times maintain a power factor of not less than 85 percent. The Department reserves the right to conduct tests to determine the power factor of the customer's installation during periods of maximum demand or by measurement of the average power factor for the monthly billing period. Should the power factor so determined fall below 85 percent, the demand for billing purposes will be determined by multiplying the maximum kw demand by 85 percent and dividing by the determined power factor. No credit shall be given for power factors greater than 85 percent.

Note: "General Terms and Conditions" in effect apply to above. See Article IV-A, Item Number 4, "General Terms and Conditions" for discount on above. CURRENT FUEL CHARGE WILL BE APPLIED TO THIS RATE SCHEDULE.

Effective: March 1, 1988

Department of Public Utilities - Orangeburg, South Carolina

ELECTRIC RATE

NO. 9 - OVERHEAD PRIVATE LIGHTING (Code 2K, 2L, 2M, 2Q, 2R, 2S)

The following is the rate schedule for lights installed for customers on company's standard poles which are a part of company's distribution system.

<u>Size</u>	<u>Lamp Charges Per Month</u>	<u>Kwhr. Per Month</u>	<u>Watts</u>
2K - 7,500 Lumens (Mercury) Open Type Globe	\$ 5.85/each	70	175
2L - 20,000 Lumens (Mercury) Closed Type Globe	\$11.14/each	140	400
2M - 50,000 Lumens (Mercury) Closed Type Globe	\$17.46/each	400	1000
2Q - 9,500 Lumens (HPS) Open Type Globe	\$ 5.85/each	40	100
2R - 27,500 Lumens (HPS) Closed Type Globe	\$11.14/each	105	250
2S - 50,000 Lumens (HPS) Closed Type Globe	\$17.46/each	160	400

Cost Per Month For Each Additional Pole:

<u>30 ft.</u>	<u>35 ft.</u>	<u>40 ft.</u>	<u>45 ft.</u>
\$1.30	\$2.00	\$2.50	\$3.00

Note: "General Terms and Conditions" in effect apply to above. See Article IV-A, Item Number 4, "General Terms and Conditions" for discount on above. CURRENT FUEL CHARGE WILL BE APPLIED TO THIS RATE SCHEDULE.

Effective: March 1, 1988

Department of Public Utilities - Orangeburg, South Carolina

ELECTRIC RATE

NO. 10 - STREET LIGHTS (Code 2J, 2N, 2O, 2P, 2T, 2U, 2V, 2W, 2Y)

GROSS MONTHLY RATE: See Article IV-A, Item Number 4, "General Terms and Conditions" for discount.

The following is the rate schedule for lights installed for street lighting in the City of Orangeburg.

A. Unmetered Street Lights

<u>Size</u>	<u>Lamp Charges Per Month</u>	<u>Kwhr. Per Month</u>	<u>Watts</u>
2N - 7,500 Lumens (Mercury) Open Type Globe	\$ 6.13/each	70	175
2O - 20,000 Lumens (Mercury) Closed Type Globe	\$11.70/each	140	400
2P - 50,000 Lumens (Mercury) Closed Type Globe	\$29.67/each	400	1000
2T - 9,500 Lumens (HPS) Open Type Globe	\$ 6.13/each	40	100
2U - 27,500 Lumens (HPS) Closed Type Globe	\$11.70/each	105	250
2V - 36,000 Lumens (HPS) Closed Type Globe	\$12.25/each	140	360
2W - 50,000 Lumens (HPS) Closed Type Globe	\$13.23/each	160	400
2Y - 140,000 Lumens (HPS) Closed Type Globe	\$29.67/each	400	1000

B. Metered Street Lights

2J - \$0.08374 per KWH

Note: "General Terms and Conditions" in effect apply to above. See Article IV-A, Item Number 4, "General Terms and Conditions" for discount on above. CURRENT FUEL CHARGE WILL BE APPLIED TO THIS RATE SCHEDULE.

Effective: March 1, 1988



CONTRACT RATE (Code 2X)

CONTRACT RATE: FOR SALE OF ELECTRIC POWER AND ENERGY TO  
GREENWOOD MILLS LINER PLANT

AVAILABILITY: This rate is available by contract for service to Greenwood Mills Liner Plant (Plant).

CHARACTER OF SERVICE: Alternating current, 60 cycle, three phase service metered at primary voltage.

## GROSS MONTHLY RATE:

Demand Charge	\$10.80/Kw of billing demand
Energy Charge	2.687¢/Kwh of energy delivered
Facilities Charge	0.45¢/Kwh of energy delivered
Minimum Monthly Facilities Charge	\$4,500.00

MONTHLY BILLING DEMAND: The monthly billing demand (calculated to the nearest whole Kw) shall be determined as the power requirement of the Plant coincident with the Department's monthly maximum demand. The Department's monthly maximum demand shall be as determined by South Carolina Electric and Gas Company (SCE&G) for the purpose of billing the Department for the purchase of power under FERC Rate Schedule WR or its successor. In the event the Department's Billing Demand from SCE&G is in excess of the Department's monthly maximum demand due to the effect of applying a billing ratchet, the billing demand herein applicable to Plant shall be similarly determined.

ADJUSTMENT FOR CHANGES IN PURCHASE POWER COST: The above stated demand and energy charges are based on purchased power and energy charges to the Department by SCE&G of \$9.72/Kw (exclusive of high voltage discount) and 2.418¢/Kwh, respectively. To the extent that the actual cost to the Department of power (exclusive of high voltage discount) and energy purchased from SCE&G differs due to change in SCE&G's Rate WR, or due to application of SCE&G's Wholesale Fuel Cost Adjustment provision or for any other reason, the above Gross Monthly Rate shall be adjusted proportionately.

POWER FACTOR CORRECTION: The Plant and Plant generating station shall at all times maintain a power factor of not less than 85 percent lagging. The Department reserves the right to conduct tests to determine the power factor of the Plant's installation during periods of maximum demand or by measurement of the average power factor for the monthly billing period. Should the power factor so determined fall below 85 percent lagging, the monthly maximum demand shall be adjusted by multiplying the maximum Kw

demand by 85 percent and dividing by the determined power factor. No credit shall be given for power factors greater than 85 percent.

TERMS AND CONDITIONS: The Department's "General Terms and Conditions" in effect apply to the above. See Article IV-A, Item Number 4, "General Terms and Conditions" for discount on above. The Department's current fuel charge will not be applied to this contract rate schedule.

Effective: March 1, 1988

CONTRACT RATE (Code 2X)

CONTRACT RATE: FOR PURCHASE OF ELECTRIC POWER AND ENERGY FROM  
GREENWOOD MILLS LINER PLANT

CHARACTER OF SERVICE: The Plant shall supply power and energy to the Department in a manner which will not degrade the electric service or jeopardize the safety of the Department or electric customers of the Department.

NET MONTHLY RATE:

Demand Charge	\$9.72/Kw of billing demand
Energy Charge	2.418¢/Kwh of energy delivered

BILLING DEMAND: The billing demand from the Plant (calculated to the nearest whole Kw) shall be determined as the power supplied to the Department by the Plant coincident with the Department's monthly maximum demand as determined by South Carolina Electric & Gas Company (SCE&G) for the purpose of billing the Department for the purchase of power under FERC Rate Schedule WR or its successor. In the event the Department's Billing Demand for purchases from SCE&G is in excess of the Department's monthly maximum demand from SCE&G due to the effect of applying a billing ratchet or power factor adjustment, the Billing Demand herein applicable to the Plant shall be proportionately determined.

ADJUSTMENT FOR CHANGES IN PURCHASE POWER COST: The above stated demand and energy charges are based on purchased power (exclusive of high voltage discount) and energy charges to the Department by SCE&G of \$9.72/Kw and 2.418¢/Kwh, respectively. To the extent that the actual cost to the Department of power (exclusive of high voltage discount) and energy purchased from SCE&G differs due to change in SCE&G's Rate WR, or due to application of SCE&G's Wholesale Fuel Cost Adjustment provision or for any other reason, the above monthly rate shall be adjusted proportionately.

Effective: March 1, 1988

CONTRACT RATE (Code 2X)

CONTRACT RATE: FOR SALE OF ELECTRIC POWER AND ENERGY TO  
GREENWOOD MILLS LINER PLANT

AVAILABILITY: This rate is available by contract for service to Greenwood Mills Liner Plant (Plant).

CHARACTER OF SERVICE: Alternating current, 60 cycle, three phase service metered at primary voltage.

GROSS MONTHLY RATE:

Demand Charge	\$10.80/Kw of billing demand
Energy Charge	2.298¢/Kwh of energy delivered
Facilities Charge	0.45¢/Kwh of energy delivered
Minimum Monthly Facilities Charge	\$4,500.00

MONTHLY BILLING DEMAND: The monthly billing demand (calculated to the nearest whole Kw) shall be determined as the power requirement of the Plant coincident with the Department's monthly maximum demand. The Department's monthly maximum demand shall be as determined by South Carolina Electric and Gas Company (SCE&G) for the purpose of billing the Department for the purchase of power under FERC Rate Schedule WR or its successor. In the event the Department's Billing Demand from SCE&G is in excess of the Department's monthly maximum demand due to the effect of applying a billing ratchet, the billing demand herein applicable to Plant shall be similarly determined.

ADJUSTMENT FOR CHANGES IN PURCHASE POWER COST: The above stated demand and energy charges are based on purchased power and energy charges to the Department by SCE&G of \$9.72/Kw (exclusive of high voltage discount) and 2.068¢/Kwh, respectively. To the extent that the actual cost to the Department of power (exclusive of high voltage discount) and energy purchased from SCE&G differs due to change in SCE&G's Rate WR, or due to application of SCE&G's Wholesale Fuel Cost Adjustment provision or for any other reason, the above Gross Monthly Rate shall be adjusted proportionately.

POWER FACTOR CORRECTION: The Plant and Plant generating station shall at all times maintain a power factor of not less than 85 percent lagging. The Department reserves the right to conduct tests to determine the power factor of the Plant's installation during periods of maximum demand or by measurement of the average power factor for the monthly billing period. Should the power factor so determined fall below 85 percent lagging, the monthly maximum demand shall be adjusted by multiplying the maximum Kw

demand by 85 percent and dividing by the determined power factor. No credit shall be given for power factors greater than 85 percent.

TERMS AND CONDITIONS: The Department's "General Terms and Conditions" in effect apply to the above. See Article IV-A, Item Number 4, "General Terms and Conditions" for discount on above. The Department's current fuel charge will not be applied to this contract rate schedule.

Effective: March 1, 1988

CONTRACT RATE (Code 2X)

CONTRACT RATE: FOR PURCHASE OF ELECTRIC POWER AND ENERGY FROM  
GREENWOOD MILLS LINER PLANT

CHARACTER OF SERVICE: The Plant shall supply power and energy to the Department in a manner which will not degrade the electric service or jeopardize the safety of the Department or electric customers of the Department.

NET MONTHLY RATE:

Demand Charge	\$9.72/Kw of billing demand
Energy Charge	2.068¢/Kwh of energy delivered

BILLING DEMAND: The billing demand from the Plant (calculated to the nearest whole Kw) shall be determined as the power supplied to the Department by the Plant coincident with the Department's monthly maximum demand as determined by South Carolina Electric & Gas Company (SCE&G) for the purpose of billing the Department for the purchase of power under FERC Rate Schedule WR or its successor. In the event the Department's Billing Demand for purchases from SCE&G is in excess of the Department's monthly maximum demand from SCE&G due to the effect of applying a billing ratchet or power factor adjustment, the Billing Demand herein applicable to the Plant shall be proportionately determined.

ADJUSTMENT FOR CHANGES IN PURCHASE POWER COST: The above stated demand and energy charges are based on purchased power (exclusive of high voltage discount) and energy charges to the Department by SCE&G of \$9.72/Kw and 2.068¢/Kwh, respectively. To the extent that the actual cost to the Department of power (exclusive of high voltage discount) and energy purchased from SCE&G differs due to change in SCE&G's Rate WR, or due to application of SCE&G's Wholesale Fuel Cost Adjustment provision or for any other reason, the above monthly rate shall be adjusted proportionately.

Effective: March 1, 1988

Department of Public Utilities - Orangeburg, South Carolina

GAS RATE

## No. 1 - RESIDENTIAL SERVICE (Code 3A)

APPLICABLE: To a single family dwelling unit or individual dwelling units in apartment structures or other multi-family residential structures supplied by individual gas meters. This schedule is not applicable to a residence which is used for commercial, professional, or any other enterprise unless the domestic use can be separately metered.

Service Charge                      \$3.00 per bill per month

## Commodity Charge:

First	20,000 C.F. @ \$0.5867 per 100 C.F. per month
All in excess of	20,000 C.F. @ \$0.5506 per 100 C.F. per month

MINIMUM

The monthly minimum charge shall be the Monthly Service Charge as stated above.

Note: "General Terms and Conditions" in effect apply to above. See Article IV-A, Item Number 4, "General Terms and Conditions" for discount on above. CURRENT SURCHARGE WILL BE APPLIED TO THIS RATE SCHEDULE.

Effective: June 15, 1988 Billing

Department of Public Utilities - Orangeburg, South Carolina

GAS RATE

NO. 2 - GENERAL SERVICE (CODE 3B)

APPLICABLE: To any non-domestic and/or commercial or industrial customer having requirements of less than 400,000 CF per month.

SERVICE CHARGE: \$3.00 per bill per month

COMMODITY CHARGE:

First	20,000 C.F. @ \$0.5867 per 100 C.F. per month
Next	80,000 C.F. @ \$0.5506 per 100 C.F. per month
All in excess of 100,000 C.F.	@ \$0.5266 per 100 C.F. per month

Minimum

The monthly minimum charge shall be the Monthly Service Charge as stated above.

Note: "General Terms and Conditions" in effect apply to above. See Article IV-A, Item Number 4, "General Terms and Conditions" for discount on above. CURRENT SURCHARGE WILL BE APPLIED TO THIS RATE SCHEDULE.

Effective: June 15, 1988 Billing



Department of Public Utilities - Orangeburg, South Carolina

GAS RATE

NO. 3 - LARGE GENERAL SERVICE (CODE 3C)

APPLICABLE: To any non-domestic and/or commercial or industrial customer having requirements in excess of 400,000 CF per month.

COMMODITY CHARGE:

First	40 MCF @ \$5.47584 per MCF per month
Next	60 MCF @ \$5.25761 per MCF per month
Next	400 MCF @ \$5.09412 per MCF per month
Next	1,500 MCF @ \$5.03963 per MCF per month
All in excess of	2,000 MCF @ \$4.98513 per MCF per month

Minimum

\$17.00 per month

Note: "General Terms and Conditions" in effect apply to above. See Article IV-A, Item Number 4, "General Terms and Conditions" for discount on above. CURRENT SURCHARGE WILL BE APPLIED TO THIS RATE SCHEDULE.

Effective: June 15, 1988 Billing

Department of Public Utilities - Orangeburg, South Carolina

GAS RATE

NO. 4 - INTERRUPTIBLE "A" (CODE 3D)

APPLICABLE: To all industrial consumers who have adequate stand-by facilities.

All MCF at \$0.4444 plus cost of gas sold calculated at gross.  
Excluding peak shaving quantities.

Department of Public Utilities retains the right to discontinue interruptible service on a one-hour notice for as long as gas is necessary for firm customers.

Note: "General Terms and Conditions" in effect apply to above. See Article IV-A, Item Number 4, "General Terms and Conditions" for discount on above. CURRENT SURCHARGE WILL BE APPLIED TO THIS RATE SCHEDULE.

Effective: June 15, 1988 Billing

Department of Public Utilities - Orangeburg, South Carolina

GAS RATE

FIRM - (CODE 3S)

APPLICABLE: To Orangeburg Plant Greenwood Mills for process.

Demand	\$2.419	per MCF
Commodity	\$4.68440	per MMBTU

Minimum

Demand Charge

Note: "General Terms and Conditions" in effect apply to above. See Article IV-A, Item Number 4, "General Terms and Conditions" for discount on above. CURRENT SURCHARGE WILL BE APPLIED TO THIS RATE SCHEDULE.

Effective: June 15, 1988 Billing

RESOLUTION

BE IT RESOLVED by the Mayor and Members of Council of the City of Orangeburg, State of South Carolina, in Council assembled and by authority of the same:

That the City of Orangeburg enter into an agreement dated June 1, 1988 with the South Carolina Pipeline Corporation, whereby the South Carolina Pipeline Corporation agrees to sell to the City of Orangeburg up to 10,200 MCF of firm gas per day under Rate DS-1 and interruptible gas under Rate DISS-1.

BE IT FURTHER RESOLVED that his Honor E.O. Pendarvis, Mayor, be, and he is hereby authorized and directed to sign said agreement on behalf of the City of Orangeburg.

PASSED by the City Council in Council assembled at Orangeburg, South Carolina this 17<sup>th</sup> day of May, 1988.

E. O. Pendarvis  
Mayor  
W. Keith Selley  
Sam H. Anderson  
Jimmy B. Johnson

Members of Council

ATTEST:

[Signature]  
City Clerk and Treasurer

CITY COUNCIL MINUTES  
JUNE 20, 1988

Orangeburg City Council held its regularly scheduled meeting on June 20, 1988 in City Hall Chambers at 7:00 P.M., Mayor Pendarvis presiding.

PRESENT: E. O. Pendarvis, Mayor  
W. Everette Salley, Mayor Pro Tem  
Henry F. Frierson  
Sara H. Alexander  
Herbert W. Bradley, Jr.

A motion by Councilmember Bradley, seconded by Councilmember Alexander, unanimously approved the June 7, 1988 City Council Minutes as distributed.

A motion by Mayor Pro Tem Salley, seconded by Councilmember Frierson, unanimously approved the third reading of an ordinance for the Chamber of Commerce Lease.

A motion by Mayor Pro Tem Salley, seconded by Councilmember Frierson, unanimously approved the Law Enforcement Complex Budget as presented.

A motion by Councilmember Frierson, seconded by Mayor Pro Tem Salley, unanimously approved the Proclamation declaring July as the "National Recreation and Parks Month."

A motion by Councilmember Frierson, seconded by Mayor Pro Tem Salley, unanimously approved the recommendations of the Accommodation's Tax Advisory Committee.

City Administrator Smith requested an executive session for legal briefing.

A motion by Mayor Pro Tem Salley, seconded by Mayor Pendarvis, unanimously approved the nomination of Mr. Charles E. Taylor, III as a member of the City of Orangeburg Industrial Development Commission.

A request was made by Mr. Arthur J. Lusty, Jr. that the restrooms be made more accessible to the public in the Edisto Gardens on the week-ends.

A motion by Mayor Pro Tem Salley, seconded by Councilmember Frierson, unanimously approved to enter into an executive session for legal briefing.

There being no further business, the meeting was adjourned.

Respectfully submitted,



L. Hugh Smith  
City Administrator

/r

ABB132

CITY COUNCIL MINUTES  
JULY 5, 1988

Orangeburg City Council held its regularly scheduled meeting on July 5, 1988 in City Hall Chambers at 7:00 P.M., Mayor Pendarvis presiding.

PRESENT: E. O. Pendarvis, Mayor  
W. Everette Salley, Mayor Pro Tem  
Henry F. Frierson  
Sara H. Alexander  
Herbert W. Bradley, Jr.

A motion by Councilmember Bradley, seconded by Councilmember Alexander, unanimously approved the June 20, 1988 City Council Minutes as distributed.

A Resolution and gift was presented to each of the following retiring employees of the Department of Public Utilities:

John B. Brandenburg	40 years
Julian Hart	35 years
James Simpson, Jr.	30 years
Jeanette King	30 years
Henry Tant	34 years
L. Frederick Smoak	20 years

An appearance was made by Mr. Arthur Lusty representing the Orangeburg Arts Council. He discussed the renovations on the Pink Palace (Old Orangeburg County Jail) and their intentions for the future. He stated that they have spent about \$50,000 so far and there is still more to do. They want to completely refurbish the building and find an occupant so that the building will be in use at all times. He discussed the possibility of the upper floor becoming a museum at a later date. Mr. Townsend Sifly stated that a structural survey has been completed with the results that the building is sound. The grounds have been surveyed and the roof repaired and they are beginning the renovations of the interior. The parking area has been completed and they will soon begin the landscaping. Mr. Flynn Bowie also discussed some of their fund raising projects. Councilmember Bradley wants the Arts Council to bring a definitive proposal on what they want the City to do. Councilmember Frierson asked City Administrator Smith if our Accommodation's Tax Funds could be used to assist in these renovations. City Administrator Smith stated that he would investigate this matter.

Public Works Director, Reese Earley, introduced Mr. Bill Spearman of the South Carolina Land Resources Commission to update Council on the Dukes Street Drainage Plan. Mr. Spearman informed Council that the current flood study only takes in one-half of the drainage area that the Land Resources Commission studied. Because of this Mr. Spearman requested a time extension on the contract which expired 6-30-88. He was not requesting an increase in the fee but to change the deadline on the contract until 1-31-89. This should give them adequate time to complete the project after they receive the FEMA (Federal Emergency Management Agency) mapping.

Council received consideration of the request from Mr. Ed Brant concerning his hospitalization insurance eligibility. Mr. Brant left the employ of the City on 6-30-86 (55 years of age) after nineteen (19) years and nine (9) months of service to the City. Mr. Tom Bryant (friend of Mr. Brant) asked Council to reconsider this request. Council requested more information on this entire matter. City Administrator Smith said that he would compile this information and present it to Council at a later date.

A motion by Mayor Pendarvis, seconded by Mayor Pro Tem Salley, unanimously approved the first reading of an ordinance to increase the members of the Industrial Development Commission (seven members along with DPU Manager and Executive Director of the Chamber of Commerce as ex-officio non-voting members).

R E S O L U T I O N

WHEREAS, L. Frederick Smoak became an employee of the Department of Public Utilities of the City of Orangeburg on May 20, 1968, and faithfully served this Department and the City until June 28, 1988; and

WHEREAS, He, through his long and faithful service contributed greatly to the successful operation of the Department of Public Utilities; and

WHEREAS, The City Council, in recognition of the fine contribution rendered the City of Orangeburg, wants to inscribe on the records its appreciation; NOW THEREFORE,

BE IT RESOLVED That the Mayor and Members of Council, in Council assembled, do officially take cognizance of the faithful service rendered to the Department of Public Utilities of the City of Orangeburg by L. Frederick Smoak in the capacities in which he served the Department for the past twenty years, one month and eight days, and commend him for a job well done.

BE IT FURTHER RESOLVED That a copy of this resolution, in appreciation of his devotion of duty to the City of Orangeburg, be placed in the minute book of the City and a copy furnished to Mr. Smoak in recognition of his services.

PASSED By the City Council of the City of Orangeburg, State of South Carolina, this fifth day of July, A.D., 1988.

E. D. Landaris  
Mayor  
W. Keith Kelly  
Sam H. Alexander  
Henry B. Brinson  
Hubert W. Bradley, Jr.  
Members of Council

ATTEST:

Chubb  
City Clerk

R E S O L U T I O N

WHEREAS, Henry Tant became an employee of the Department of Public Utilities of the City of Orangeburg on August 14, 1953, and faithfully served this Department and the City until June 28, 1988; and

WHEREAS, He, through his long and faithful service contributed greatly to the successful operation of the Department of Public Utilities; and

WHEREAS, The City Council, in recognition of the fine contribution rendered the City of Orangeburg, wants to inscribe on the records its appreciation; NOW THEREFORE,

BE IT RESOLVED That the Mayor and Members of Council, in Council assembled, do officially take cognizance of the faithful service rendered to the Department of Public Utilities of the City of Orangeburg by Henry Tant in the capacities in which he served the Department for the past thirty-four years, ten months and fourteen days, and commend him for a job well done.

BE IT FURTHER RESOLVED That a copy of this resolution, in appreciation of his devotion of duty to the City of Orangeburg, be placed in the minute book of the City and a copy furnished to Mr. Tant in recognition of his services.

PASSED By the City Council of the City of Orangeburg, State of South Carolina, this fifth day of July, A.D., 1988.

E. O. Landrum  
Mayor  
W. Keith Selley  
Sam J. Alexander  
Denny Morrison  
Hubert W. Bradley, Jr.  
Members of Council

ATTEST

Charles  
City Clerk



## RESOLUTION

WHEREAS, James Simpson, Jr. became an employee of the Department of Public Utilities of the City of Orangeburg on September 24, 1957, and faithfully served this Department and the City until June 7, 1988; and

WHEREAS, He, through his long and faithful service contributed greatly to the successful operation of the Department of Public Utilities; and

WHEREAS, The City Council, in recognition of the fine contribution rendered the City of Orangeburg, wants to inscribe on the records its appreciation; NOW THEREFORE,

BE IT RESOLVED That the Mayor and Members of Council, in Council assembled, do officially take cognizance of the faithful service rendered to the Department of Public Utilities of the City of Orangeburg by James Simpson, Jr. in the capacities in which he served the Department for the past thirty years, eight months and fourteen days, and commend him for a job well done.

BE IT FURTHER RESOLVED That a copy of this resolution, in appreciation of his devotion of duty to the City of Orangeburg, be placed in the minute book of the City and a copy furnished to Mr. Simpson in recognition of his services.

PASSED By the City Council of the City of Orangeburg, State of South Carolina, this fifth day of July, A.D., 1988.

Ed. Sanders  
Mayor

L. Keith Kelly

Lara A. Alexander

Samuel B. Anderson

Hubert W. Bradley, Jr.  
Members of Council

ATTEST:

Chubb  
City Clerk

R E S O L U T I O N

WHEREAS, Julian Hart became an employee of the Department of Public Utilities of the City of Orangeburg on June 22, 1953, and faithfully served this Department and the City until June 28, 1988; and

WHEREAS, He, through his long and faithful service contributed greatly to the successful operation of the Department of Public Utilities; and

WHEREAS, The City Council, in recognition of the fine contribution rendered the City of Orangeburg, wants to inscribe on the records its appreciation; NOW THEREFORE,

BE IT RESOLVED That the Mayor and Members of Council, in Council assembled, do officially take cognizance of the faithful service rendered to the Department of Public Utilities of the City of Orangeburg by Julian Hart in the capacities in which he served the Department for the past thirty-five years and six days, and commend him for a job well done.

BE IT FURTHER RESOLVED That a copy of this resolution, in appreciation of his devotion of duty to the City of Orangeburg, be placed in the minute book of the City and a copy furnished to Mr. Hart in recognition of his services.

PASSED By the City Council of the City of Orangeburg, State of South Carolina, this fifth day of July, A.D., 1988.

E. D. Sanders  
Mayor

W. H. H. H. H. H.

Sam H. Alexander

Sam H. Alexander

Hubert W. Bradley Jr.

Members of Council

ATTEST:

[Signature]  
City Clerk

R E S O L U T I O N

WHEREAS, Jeanette B. King became an employee of the Department of Public Utilities of the City of Orangeburg on September 30, 1957, and faithfully served this Department and the City until June 29, 1988; and

WHEREAS, She, through her long and faithful service contributed greatly to the successful operation of the Department of Public Utilities; and

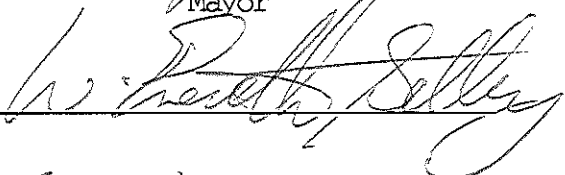
WHEREAS, The City Council, in recognition of the fine contribution rendered the City of Orangeburg, wants to inscribe on the records its appreciation; NOW THEREFORE,


BE IT RESOLVED That the Mayor and Members of Council, in Council assembled, do officially take cognizance of the faithful service rendered to the Department of Public Utilities of the City of Orangeburg by Jeanette B. King in the capacities in which she served the Department for the past thirty years, eight months and twenty-nine days, and commend her for a job well done.

BE IT FURTHER RESOLVED That a copy of this resolution, in appreciation of her devotion of duty to the City of Orangeburg, be placed in the minute book of the City and a copy furnished to Mrs. King in recognition of her services.

PASSED By the City Council of the City of Orangeburg, State of South Carolina, this fifth day of July, A.D., 1988.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_

  
\_\_\_\_\_

  
\_\_\_\_\_

  
\_\_\_\_\_  
Members of Council

ATTEST:

  
\_\_\_\_\_  
City Clerk

R E S O L U T I O N

WHEREAS, John B. Brandenburg became an employee of the Department of Public Utilities of the City of Orangeburg on May 1, 1948, and faithfully served this Department and the City until June 29, 1988; and

WHEREAS, He, through his long and faithful service contributed greatly to the successful operation of the Department of Public Utilities; and

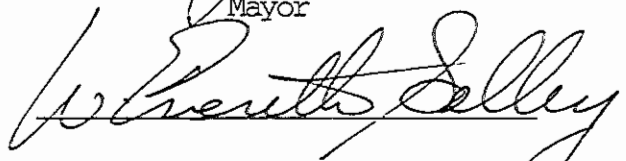
WHEREAS, The City Council, in recognition of the fine contribution rendered the City of Orangeburg, wants to inscribe on the records its appreciation; NOW THEREFORE,

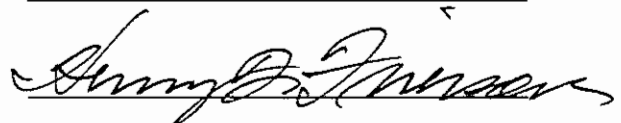
BE IT RESOLVED That the Mayor and Members of Council, in Council assembled, do officially take cognizance of the faithful service rendered to the Department of Public Utilities of the City of Orangeburg by John B. Brandenburg in the capacities in which he served the Department for the past forty years, one month and twenty-nine days, and commend him for a job well done.

BE IT FURTHER RESOLVED That a copy of this resolution, in appreciation of his devotion of duty to the City of Orangeburg, be placed in the minute book of the City and a copy furnished to Mr. Brandenburg in recognition of his services.

PASSED By the City Council of the City of Orangeburg, State of South Carolina, this fifth day of July, A.D., 1988.

  
Mayor

  
Sam H. Anderson



  
Members of Council

ATTEST

  
City Clerk

City Administrator Smith read a letter of resignation from Councilmember Herbert W. Bradley, Jr., to be effective 9-12-88 if the new election procedures are implemented as planned.

City Administrator Smith presented a revised personnel policy to Council for their study.

City Administrator Smith informed Council that six (6) members of the Hillcrest Commission terms have expired 7-1-88. South Carolina State College has re-appointed Dr. Lewie Roache and Mr. Oliver C. Dawson and that the Council needs to consider four (4) appointees to represent the City.

City Administrator Smith informed Council that Mr. J. C. Kizer's term on the Board of Adjustments will expire 7-20-88 and that they will need to consider another appointee.

Concerning the Department of Public Utilities matters, a motion by Mayor Pro Tem Salley, seconded by Mayor Pendarvis, unanimously approved the first reading of an ordinance to amend Chapter 27 defining the authority and duties of the Department of Public Utilities Manager.

A motion by Mayor Pendarvis, seconded by Councilmember Bradley, unanimously approved to enter into an executive session for discussion of personnel in the Administrative and Executive Departments.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carol A. Brunson  
City Clerk

/r

ABB132

CITY COUNCIL MINUTES  
JULY 19, 1988

Orangeburg City Council held its regularly scheduled meeting on July 19, 1988 at 7:00 P.M. in City Hall Chambers with Mayor Pendarvis presiding.

PRESENT: E. O. Pendarvis, Mayor  
W. Everette Salley, Mayor Pro Tem  
Henry F. Frierson  
Sara H. Alexander  
Herbert W. Bradley, Jr.

A motion by Councilmember Frierson, seconded by Councilmember Bradley, unanimously approved the July 5, 1988 City Council Minutes as distributed.

Mr. John Phillips of the Local Government Assurance Group (LGAG) made an appearance before Council to discuss an alternative to our present health insurance plan. City Administrator Smith told Council that they are working on a proposal to submit to Council.

Ms. Geraldine Boltin made an appearance before Council requesting a waiver of the penalty on her 1987 taxes on property that she purchased in 1987 from James L. and Jane H. Rainey. Her request was denied, but suggested that she contact her attorney that handled her closing and then meet again with the Finance Director.

A motion by Mayor Pro Tem Salley, seconded by Councilmember Frierson, unanimously approved the second reading of the Industrial Development Commission Ordinance for increasing their membership.

A motion by Councilmember Bradley, seconded by Councilmember Alexander, unanimously approved the Resolution adopting the revised personnel policy for the City of Orangeburg.

City Administrator Smith informed Council that we need to appoint four (4) appointees for the Hillcrest Commission and an appointee for the Board of Adjustments to replace Mr. J. C. Kizer. Council wishes to postpone this until a later date.

A motion by Mayor Pro Tem Salley, seconded by Councilmember Bradley, unanimously approved the first reading of the FY 1988-89 Budget Ordinance.

A motion by Mayor Pendarvis, seconded by Councilmember Frierson, unanimously approved to award the audit bid to J. W. Hunt and Company with the bid being \$20,000 to expire on September 30, 1991.

A motion by Mayor Pro Tem Salley, seconded by Councilmember Alexander, unanimously approved the banking services for the City of Orangeburg to NCNB as the low bidder to expire September 30, 1991. Councilmembers Frierson and Bradley abstained from voting.

City Administrator Smith requested that an evaluation be conducted concerning the activities in the Public Safety Department since its inception. He and Public Safety Director Brant want this to find out how this department stands for the first eight (8) months. City Administrator Smith suggested that City Recorder/Judge Ronald Salley and City Attorney James F. Walsh conduct the evaluation.

Concerning the Department of Public Utilities, a motion by Mayor Pendarvis, seconded by Councilmember Frierson, unanimously approved the second reading of an Ordinance to amend Chapter 27 defining the authority and duties of the Department of Public Utilities Manager.

A motion by Councilmember Frierson, seconded by Mayor Pro Tem Salley, unanimously approved the first reading of the FY 1988-89 Budget for the Department of Public Utililites.

R E S O L U T I O N

WHEREAS, the City of Orangeburg has a desire that all employees should be informed as to the guidelines concerning employment with the City and,

WHEREAS, a Personnel Policy Manual has been prepared stating the policies which are ordinarily followed, NOW, THEREFORE,

BE IT RESOLVED that the City Council of the City of Orangeburg hereby adopts the Personnel Policy Manual as its guidelines for the City of Orangeburg. The contents of this document are not intended nor should they be interpreted to establish a contractual relationship of employment with any employee or to provide any property rights in employment; nor to induce reliance thereupon by any employee. All employees shall continue to serve at the will and the pleasure of the City. These guidelines are subject to change at any time and for any reason at the sole discretion of this council.

PASSED by the City Council of the City of Orangeburg, South Carolina, this 19th day of July, A.D., 1988.

E. O. Sanders  
Mayor

W. Keith Selley

Larry H. Alexander

Henry B. Finson

Hubert W. Bradley, Jr.  
Members of Council

Attest:

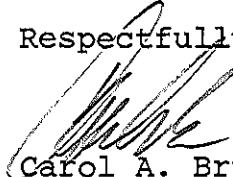
[Signature], City Clerk

CITY COUNCIL MINUTES  
JULY 19, 1988  
PAGE 2

Council was informed that the Department of Public Utilities needs some additional land around the gardens. The Department of Public Utilities will pay the City to reconstruct a similar park office complex in order to allow for expansion of the Department of Public Utilities Water Treatment Plant. Department of Public Utilities Manager Johnson and City Administrator Smith are researching this.

There being no further business, the meeting was adjourned.

Respectfully submitted,

  
Carol A. Brunson  
City Clerk

/r

ABB132



CITY COUNCIL MINUTES  
AUGUST 2, 1988

Orangeburg City Council held its regularly scheduled meeting on August 2, 1988, at 7:00 P.M. in City Hall Chambers with Mayor Pendarvis presiding.

PRESENT: E. O. Pendarvis, Mayor  
W. Everette Salley, Mayor Pro Tem  
Sara H. Alexander  
Herbert W. Bradley, Jr.

ABSENT: Henry F. Frierson

A motion by Councilmember Bradley, seconded by Mayor Pro Tem Salley, unanimously approved the July 19, 1988 City Council Minutes as distributed.

A presentation was made by Mr. Malcolm Mann and Mr. Ewart Irick, representing the Battle of Eutaw Springs Chapter of the Sons of the American Revolution, to Department of Public Safety Director, E. A. Brant. He was the first recipient of this Law Enforcement Commendation Medal for continuous dedication and outstanding work for those persons engaged in any field of law enforcement.

A motion by Mayor Pro Tem Salley, seconded by Councilmember Alexander, unanimously approved the third reading of the Industrial Development Commission Ordinance for increasing their membership.

A motion by Councilmember Bradley, seconded by Councilmember Alexander, unanimously approved the following four (4) appointees for the Hillcrest Commission with terms expiring 7-1-94.

Francis Faulling  
Vernon Williams  
Joseph Ashley  
Jane C. Covington

A motion by Mayor Pro Tem Salley, seconded by Councilmember Alexander, unanimously approved for Mr. Alfred S. Gramling to be appointed to the Board of Adjustments with his term expiring 7-20-91.

A motion by Mayor Pro Tem Salley, seconded by Mayor Pendarvis, unanimously approved the following increase in rates at Hillcrest Golf Course:

GREEN FEES:

18 holes (weekends)	\$ 10.00
18 holes (week days)	\$ 8.00
9 holes (weekends)	\$ 6.00
9 holes (week days)	\$ 6.00
SCSC	\$ 6.00

CART FEES:

18 holes	\$ 14.00
9 holes	\$ 7.00

MEMBERSHIP:

Family	\$450.00
Single	\$350.00
Senior	\$150.00

R E S O L U T I O N

BE IT RESOLVED By the Mayor and Members of Council of the City of Orangeburg, South Carolina, in Council assembled, and by authority of the same:

That the Department of Public Utilities of the City of Orangeburg, hereinafter called the City, enter into an agreement with the Southern Railway Company, a Virginia Corporation, hereinafter called the Company, whereby said Company grants unto the said City the right or license to install and maintain for the purpose of a sewer main, an eight (8") inch P.V.C. pipe crossing the right-of-way and under the track or tracks of said Company at or near Orangeburg, South Carolina, at a point 3,470.5 feet North, measured along the center line of said track, from Milepost SC77, as shown on drawing dated March 8, 1988 prepared by the Department of Public Utilities, and which drawing is on file in the Office of the Department of Public Utilities, of the City of Orangeburg and attached and made a part of said agreement.

BE IT FURTHER RESOLVED that his Honor, Mayor E. O. Pendarvis, be, and he hereby is, authorized and directed to sign said agreement on behalf of the City of Orangeburg.

PASSED this 2nd day of August, 1988.

Signed:

E. O. Pendarvis  
Mayor  
W. Keith Selley  
Lara E. Alexander

Hugh W. Bradley, Jr.  
Members of Council

ATTEST:

[Signature]  
City Clerk and Treasurer

CITY COUNCIL MINUTES  
AUGUST 2, 1988

Concerning the Resolution passed during the July 19, 1988 City Council Meeting revising the Personnel Policy for the City of Orangeburg, a motion made by Councilmember Bradley for an amendment is as follows:

1. Two or more members of an immediate family shall not be employed by the City if such employment will result in one supervising a member of his immediate family, except when permitted by City Council upon recommendation of the City Administrator or Department of Public Utilities Manager.
2. No member of the immediate family of the Mayor or of a Council member shall be employed by the City in any capacity.

The motion was seconded by Mayor Pro Tem Salley and unanimously approved by Council.

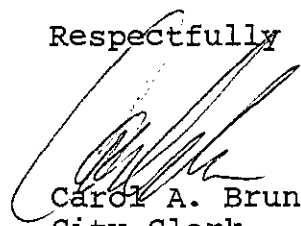
Concerning the Department of Public Utilities, a motion by Mayor Pro Tem Salley, seconded by Mayor Pendarvis, unanimously approved the second reading of the FY 1988-89 Budget for the Department of Public Utilities.

A motion by Mayor Pro Tem Salley, seconded by Mayor Pendarvis, unanimously approved the resolution to enter into an agreement with Southern Railway.

A motion by Mayor Pro Tem Salley, seconded by Councilmember Bradley, unanimously approved the third reading of an Ordinance to amend Chapter 27 defining the authority and duties of the Department of Public Utilities Manager.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carol A. Brunson  
City Clerk

/r

ABB132

CITY COUNCIL MINUTES  
AUGUST 16, 1988

Orangeburg City Council held its regularly scheduled meeting on August 16, 1988, at 7:00 P.M., in City Hall Chambers with Mayor Pendarvis presiding.

PRESENT: E. O. Pendarvis, Mayor  
W. Everette Salley, Mayor Pro Tem  
Henry F. Frierson  
Sara H. Alexander

ABSENT: Herbert W. Bradley, Jr.

A motion by Councilmember Alexander, seconded by Mayor Pro Tem Salley, unanimously approved the August 2, 1988 City Council Minutes as corrected.

An appearance was made by Mr. John Kemp of 460 Berry Street protesting a penalty and a delinquent tax cost added to his unpaid taxes. He purchased this property in August of 1987, therefore, the tax bill was in the previous owner's name. Council instructed the Finance Director to research this matter.

A motion by Councilmember Alexander, seconded by Councilmember Frierson, unanimously approved the second reading of the FY 1988-89 Budget Ordinance.

A motion was made by Councilmember Frierson to approve the request from Mr. Ed Brant to continue his health insurance. This motion died for lack of a second.

A motion by Mayor Pendarvis, seconded by Councilmember Alexander, unanimously approved to postpone Mr. Brant's request until the next council meeting.

A motion by Mayor Pendarvis, seconded by Mayor Pro Tem Salley, unanimously approved the first reading of an Ordinance for exchange of property between the City and County.

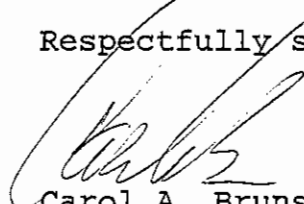
A motion by Mayor Pro Tem Salley, seconded by Councilmember Alexander, unanimously approved the third reading of the FY 1988-89 Budget Ordinance for the Department of Public Utilities.

City Attorney Walsh requested an executive session for legal briefing. A motion made by Mayor Pendarvis, seconded by Councilmember Frierson, unanimously approved entering into an executive session for legal briefing.

A motion by Mayor Pendarvis, seconded by Councilmember Alexander, unanimously approved to designate the week of August 21-27, 1988, as Family Week in South Carolina.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carol A. Brunson  
City Clerk

## SPECIAL CITY COUNCIL MINUTES

August 22, 1988

Orangeburg City Council held a special meeting on August 22, 1988, at 6:00 P.M., in the City Hall Conference Room with Mayor Pendarvis presiding for the purpose of conducting a FY 1988-89 Budget Workshop.

PRESENT: E. O. Pendarvis, Mayor  
W. Everette Salley, Mayor Pro Tem  
Henry F. Frierson  
Sara H. Alexander  
L. Hugh Smith, City Administrator  
Carol A. Brunson, Finance Director  
Thomas A. Boland, Jr.

ABSENT: Herbert W. Bradley, Jr.

Discussion was concerning proposed revenues and department expenditures.

Council agreed to re-instate the position of Assistant Finance Director and fill that position with the current Accounting Officer.

Council had several questions that would be researched and reported on Tuesday, August 23, 1988.

Respectfully submitted,



Carol A. Brunson  
City Clerk

/r

ABB132

SPECIAL CITY COUNCIL MINUTES  
August 23, 1988

Orangeburg City Council held a special meeting on August 23, 1988, at 6:00 P.M., in the City Hall Conference Room with Mayor Pendarvis presiding for the purpose of conducting a FY 1988-89 Budget Workshop.

PRESENT: E. O. Pendarvis, Mayor  
W. Everette Salley, Mayor Pro Tem  
Henry F. Frierson  
Sara H. Alexander  
Herbert W. Bradley, Jr.  
L. Hugh Smith, City Administrator  
Carol A. Brunson, City Clerk  
Tom Vargo

Hillcrest Golf Course Manager, Tom Vargo, discussed his plans for operations at the golf course. Council instructed Mr. Vargo to submit a request to the Accommodation's Tax Advisory Board for funds on the following:

Maintenance Building	\$14,000
Irrigation System	\$ 9,000

Council eliminated \$415,050 in capital items and added \$56,500 in operating costs. Council agreed that \$32,000 (of \$415,050) in capital items would probably be eligible to be purchased from the Cemetery Fund and instructed the City Administrator to investigate this.

Council instructed City Administrator Smith to institute a plan for a smoother operation of the Public Safety Department. Council felt that until all cross training is complete that there should be a Fire Commander as well as a Patrol Commander. These two positions would assist Director Brant until the training program is complete. The commander positions would be forty hours a week positions. City Administrator Smith said that duties, goals and expectations should be assigned to each employee for them to follow so that they can be accurately evaluated.

Respectfully submitted,



Carol A. Brunson  
City Clerk

/r

SPECIAL CITY COUNCIL MINUTES  
AUGUST 24, 1988

Orangeburg City Council held a special meeting on August 24, 1988 at 6:00 P.M., in the City Hall Conference Room with Mayor Pendarvis presiding for the purpose of conducting a FY 1988-89 Budget Workshop.

PRESENT: E. O. Pendarvis, Mayor  
W. Everette Salley, Mayor Pro Tem  
Henry F. Frierson  
Sara H. Alexander  
Herbert W. Bradley, Jr.  
L. Hugh Smith, City Administrator  
Carol A. Brunson, City Clerk

Council agreed to place Major Robert L. Keith in the position of Fire Commander and Captain David N. Bolen as Patrol Commander. Council agreed that Keith would have the authority to take all necessary steps to achieve a smooth operation in the Fire Division while reporting to Director Brant.

Councilmember Frierson suggested that once our bonded indebtedness is satisfied that we take those funds and establish a depreciation fund for large capital items just like we have for fire equipment (trucks).

Council eliminated the \$100,000 front-loading garbage truck. City Administrator Smith said that if we run into problems with a truck "being down for repairs" then we would have to run the other truck in two shifts per "pick-up" date.

Council instructed City Administrator Smith to cut 5% in operations (\$15,000 of \$289,832).

A motion by Councilmember Alexander, seconded by Councilmember Bradley, unanimously agreed to give all city employees a 2.5% cost of living raise--the exception being those Public Safety employees that had received salary adjustments when they agreed to cross train.

A motion was made by Mayor Pro Tem Salley and seconded by Councilmember Frierson to increase the transfer from the Department of Public Utilities by approximately \$730,000. Mayor Pendarvis opposed this motion. This will be actualized after all budget adjustments are made.

A motion by Councilmember Frierson, seconded by Councilmember Alexander, unanimously agreed to increase the base salary of the City Recorder/Judge by \$5,000 plus benefits.

Respectfully submitted,

  
Carol A. Brunson  
City Clerk

/r

ABB132

SPECIAL MEETING  
CITY COUNCIL MINUTES

SEPTEMBER 2, 1988

Orangeburg City Council held a special meeting on September 2, 1988 at 6:00 P.M. in the Conference Room of the Department of Public Utilities, 195 Russell S.W. with Mayor Pendarvis presiding for discussion of capital improvement projects for the fiscal year October 1, 1988 thru September 30, 1989.

PRESENT: E.O. Pendarvis, Mayor  
W. Everette Salley, Mayor Pro Tem  
Henry F. Frierson  
Sara H. Alexander  
Herbert W. Bradley, Jr.

A motion by Mayor Pendarvis, seconded by Mayor Pro Tem Salley, unanimously approved the 1988-1989 Capital Improvement Projects.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Ted M. Johnson, Jr.  
Manager  
Department of Public Utilities

TMJ/ba



CITY COUNCIL MINUTES  
SEPTEMBER 6, 1988

Orangeburg City Council held its regularly scheduled meeting on September 6, 1988, at 7:00 P.M., in City Hall Chambers with Mayor Pendarvis presiding.

PRESENT: E. O. Pendarvis, Mayor  
W. Everette Salley, Mayor Pro Tem  
Henry F. Frierson  
Sara H. Alexander  
Herbert W. Bradley, Jr.

A Public Hearing was held on the FY 1988-89 Budget. No comments from the public were made.

A motion by Mayor Pro Tem Salley, seconded by Councilmember Bradley, unanimously approved the August 16, 1988 City Council Minutes as amended.

A motion by Councilmember Frierson, seconded by Mayor Pro Tem Salley, unanimously approved the August 22, 1988 Special City Council Minutes.

A motion by Councilmember Bradley, seconded by Mayor Pro Tem Salley, unanimously approved the August 23, 1988 Special City Council Minutes.

A motion by Councilmember Bradley, seconded by Councilmember Alexander, unanimously approved the August 24, 1988 Special City Council Minutes.

A motion by Councilmember Alexander, seconded by Councilmember Bradley, unanimously approved the September 2, 1988 Special City Council Minutes.

A motion by Councilmember Frierson, seconded by Councilmember Bradley, unanimously denied the request of Mr. John Kemp to abate his 1987 city property tax penalty. Mr. Kemp did not attend the council meeting.

Mr. Bill Dukes of the Orangeburg Aviation Commission presented a recommendation to Council concerning the airport fixed based and aircraft maintenance operators. The recommendation was to separate the FBO and AMO. The lease would be for three years with a non-renewal clause. The rent would remain the same on FBO but the per gallon cost of gasoline would increase from two cents to three cents. A motion was made by Councilmember Alexander to accept this recommendation but it did not receive a second. Mr. Clyde Dean (an Orangeburg attorney) spoke on behalf of some of the aircraft owners and pilots at the Orangeburg Municipal Airport. He presented a petition to Council with twenty-nine signatures requesting the removal of the current FBO. Mr. John Baxley of Springfield spoke on behalf of Mrs. Pat Rhudy. He believes that she does a good job and has a well runned organization and wants it to remain the same. Mr. Larry Gardner of Holly Hill also stated that he was pleased with the services. Mr. George Daniels of Cordova, whose plane was recently vandalized at the airport, complained about beer drinking of certain employees of Orangeburg Aviation on week-ends. Mr. Hinchie McGee of Orangeburg expressed concern about safety at the airport. Mr. Dukes stated that the Commission tired to maintain an open mind when the recommendation was decided upon. He said that he knew those making the comments are only trying to do the right thing and that is what the Commission is striving to do also. A motion by Mayor Pendarvis, seconded by Mayor Pro Tem Salley, unanimously agreed to postpone action on this recommendation.

ABB132

CITY COUNCIL MINUTES  
SEPTEMBER 6, 1988  
PAGE 2

Concerning a request from Mr. Ed Brant to continue his hospitalization insurance, Mayor Pro Tem Salley stated he realized that 40% of Council misled Mr. Brant and apologized for this, but there are other people to be affected and he does not believe that the City can afford to change the policy for one individual without changing it for all. A motion was made by Mayor Pro Tem Salley, seconded by Mayor Pendarvis to deny Mr. Brant's request. Councilmember Bradley opposed this motion.

A motion by Councilmember Frierson, seconded by Mayor Pro Tem Salley, approved the third reading of the FY 1988-89 Budget Ordinance. Mayor Pendarvis opposed and made a statement explaining his position. ( A copy of which is attached and made a part of these minutes.)

A motion by Mayor Pro Tem Salley, seconded by Councilmember Alexander, unanimously approved the Personnel Policy as amended.

A motion by Mayor Pro Tem Salley, seconded by Councilmember Frierson, unanimously approved to demolish the house at Hillcrest.

A motion by Mayor Pro Tem Salley, seconded by Councilmember Bradley, unanimously agreed to the Housing Rehab Contract. This contract will be with Hampton and Associates of Bowman in the amount of \$7,000.00 plus some additional fees per work write-ups per house. Mayor Pendarvis expressed some apprehension about the administrative fee. Ms. Hampton explained that she had had much experience in administering this type of program and would work with the Building Official, Allan Ott, in order for him to learn how to administer these type of grants in the future. A motion by Councilmember Frierson, seconded by Councilmember Bradley, unanimously authorized for City Administrator Smith to sign the contract.

A motion by Mayor Pendarvis, seconded by Councilmember Bradley, unanimously approved for Mr. Harry McCullohs, Jr., to be re-appointed to the LEC Commission with his term expiring 9-1-92.

A motion by Councilmember Alexander, seconded by Mayor Pro Tem Salley, unanimously approved for Mr. J. L. Townsend to be re-appointed to the Board of Adjustments with his term expiring 9-17-91.

A motion by Mayor Pro Tem Salley, seconded by Councilmember Bradley, unanimously agreed to enter into a lease purchase agreement with Amick Equipment Company for a new commercial garbage truck. The amount of the contract will be for \$88,575. City Administrator Smith said the first payment would be due one year after the signing of the lease purchase agreement.

City Administrator Smith read a letter addressed to Mayor Pendarvis from Mr. John Rickenbacker, Chairman of the Trash Watch Committee for Orangeburg County. He was asking for Council to adopt a resolution that would lend support to Adopt A Highway Program. Councilmember Frierson commented on the success of this program in other counties. A motion by Mayor Pendarvis, seconded by Mayor Pro Tem Salley, unanimously agreed to support this request.

Mayor Pendarvis made a public statement responding to the evaluation report of the Public Safety Department by City Attorney Walsh and City Recorder Salley. ( A copy of which is attached and made a part of these minutes.)

I have a moment ago voted against the 1988-1989 City of Orangeburg Budget and I wish to explain my position. This is not an apology and it is not a pleasant moment for me, but I have given long and serious thought and I would be less than loyal in performing my duties to you and would compromise my integrity if I just went along.

Having said that, let me hasten to say that I realize that the other members of Council are your elected representatives also, and that they have the same responsibilities to you as I do, and they are capable persons who are entitled to make their individual decisions and I do not claim infallibility for myself.

The Projected Budget 1988-1989 when presented to Council originally called for expenditures of \$6,063,072.00 with projected revenues of \$4,691,486.00, which would have been a deficit of \$1,371,586.00, during the budget studies this deficit was reduced to \$993,036.00 and in my opinion could have and should have been reduced further. A ten (10) mill tax increase was proposed and I am in agreement with that and it will raise approximately \$200,000.00 and an increase in the transfer of funds from the Department of Public Utilities of \$750,000.00 for a total from DPU of \$2,401,368. My judgement called for an increase from DPU, but on a much more modest scale.

I base my judgement on the fact that I am convinced that we are overstaffed in some departments and tend to be not quite as careful with the expenditures of the citizens resources as we should and could be.

I think that it would be good business and good government if the Council would freeze hiring until either Council or a committee could ~~and~~ investigate and determine the operations, needs and efficiency of our municipal operation.

A further comment on DPU is that it is an efficient arm of the City of Orangeburg that is serving not only the City but much of the surrounding area, with dependable and excellent service and with rates that are comparable in quality and cost with the best.

The fact that the DPU is so successful in serving, expanding, and contributing to the expansion of industry, keeping the rates reasonable and at the same time operating profitably was not a coincidence and did not, "just happen", but rather is the result of many years of on-going decisions of former Councils to permit it to grow and expand. If those Councils had decided to use the profits on a year to year basis, I think we would not have any money to use from that source now, nor would we have the excellent industrial situation that we have.

One further comment, this Council recently approved current and future expenditures by the Department of Public Utilities for necessary expansion and modernization of the electric, wastewater, water and gas systems that would need more money than is presently available. There is at this time a bonded debt of approximately six (6) million dollars.

I have found from personal experience that money can only be spent once. Another, possible negative aspect to this situation is the favorable credit rating available to Orangeburg, both Moody and

Standard and Poor rate us AA, which means substantial savings if and when we borrow money. This credit rating is in my opinion the result of long term excellent management and operation and is the only such rating for Revenue Bonds in South Carolina. .

I have carefully examined the evaluation report of the Public Safety Department that was presented to Orangeburg City Council by Mr. Ronald Salley and Mr. James Walsh, Jr. I regret that the report found that the P.S. Dept. has been operating so unsatisfactorily and was so disorganized that morale and performance were affected to an impermissible degree.

My conclusion is that it is a factual and honest effort to call attention to the citizens of Orangeburg and to its employees and officials of the situation, and in my opinion Mr. Walsh and Mr. Salley, were the appropriate appointees for this study, since they both have knowledge and connections with the municipal government. Mr. Walsh, being the City Attorney and Mr. Salley, the City Recorder and a former member of Orangeburg City Council.

My purpose at this time is not to place the blame for this situation, but I do wish to say that I as a member of Council had and have responsibility. I voted to consolidate the Fire and Police Department into one department to be known as the Public Safety Department. I thought at that time that it was a practical and workable idea, with much potential for the City, in efficiency, performance and economy. I still am of that opinion.

After joining in the decision to make the consolidation, I watched the action closely and regularly inquired about the situation and was assured that progress was being made and unexpected complications that arose were being dealt with. After several months, I began to hear of incidents of poor morale behavior and internal strife. I questioned more often and more urgently about the evidently deteriorating situation. More information and my observations became progressively convincing to me, incidentally up to this point, which I guess to have been about four or five months ago had been voluntary. Then about three months ago, I began to try to ascertain for myself, what was needed and how to proceed, and let me assure you that this kind of information is not easy to come by, and I, not being a professional in such matters was in somewhat of a dilemma. I proceeded as best I could with my limited talents. My regrets and apology to the citizens of Orangeburg is that I did not make this statement in June.

The new plan of reorganization, which was proposed and approved by

Mayor's Statement

Page Two

Council and is to become effective this week is a move in the right direction, in my opinion, but it nor any other plan is going to work unless we have a strong and fair person, who has the authority, the knowledge, the determination to make it work. This person cannot just let it work, they must make it work and will need to have the support of the employees, the citizens and the officials of the City. I pledge my whole hearted support and promise to monitor the progress regularly and often, and if I think it appropriate, I will talk to the citizens again.

E. O. Pendarvis  
Mayor

September 6, 1988

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RESOLUTION

WHEREAS, The City of Orangeburg has a desire that all employees should be informed as to the guidelines concerning employment with the City and,

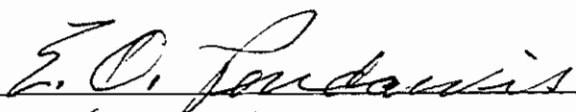
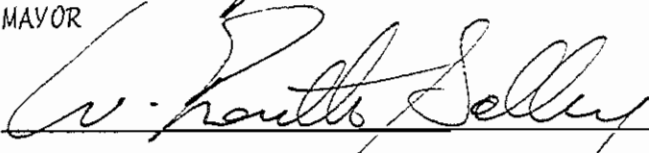
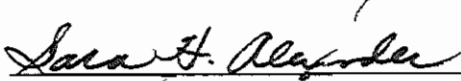
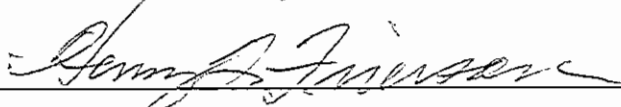
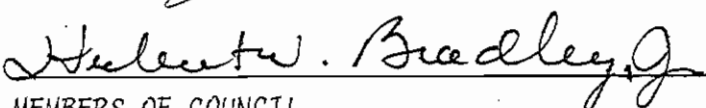
WHEREAS, a Personnel Policy Manual has been prepared stating the policies which are ordinarily followed, and

WHEREAS, this Personnel Policy was adopted by the Orangeburg City Council on July 19, 1988, and


WHEREAS, it has been found that an amendment is needed to this Personnel Policy.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Orangeburg hereby adopts the Personnel Policy Manual, as amended, as its guidelines for the City of Orangeburg. The contents of this document are not intended nor should they be interpreted to establish a contractual relationship of employment with any employee or to provide any property rights in employment; nor to induce reliance thereupon by any employee. All employees shall continue to serve at the will and the pleasure of the City. These guidelines are subject to change at any time and for any reason at the sole discretion of this Council.

PASSED by the City Council of the City of Orangeburg, South Carolina, this 6th day of September, A.D., 1988.

  
MAYOR  
  
  
  
  
MEMBERS OF COUNCIL

ATTEST:

  
CITY CLERK



R E S O L U T I O N

WHEREAS, the Department of Public Utilities of the City of Orangeburg, South Carolina, received bids on August 17, 1988 for the construction of New Brookland Sewer, Phase III.

WHEREAS, the low responsible bid for this work was submitted by McCoy Utilities, Inc. of Sumter, South Carolina, in the amount of \$97,170.00; and

NOW, THEREFORE, BE IT RESOLVED BY THE Mayor and Members of Council of the City of Orangeburg, in Council assembled, and by authority of the same, that the low responsible bid shown above be accepted, subject to approval of the Governor's Office, Division of Economic Development; and

BE IT FURTHER RESOLVED that Ted M. Johnson, Jr., Manager of the Department of Public Utilities, be authorized and he is hereby directed to execute the contract documents on behalf of the Department of Public Utilities of the City of Orangeburg.

PASSED by the City Council, in Council assembled, at Orangeburg, South Carolina this 6th day of September A.D., 1988.

Signed:

E. C. Pendleton  
Mayor  
W. Keith Selley  
Sam H. Reamler  
Henry S. Swanson  
Helen W. Bradley, Jr.  
Members of Council

ATTEST:

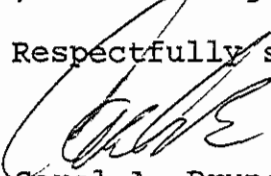
[Signature]  
City Clerk and Treasurer

CITY COUNCIL MINUTES  
SEPTEMBER 6, 1988  
PAGE 3

Concerning matters regarding the Department of Public Utilities, a motion by Mayor Pro Tem Salley, seconded by Councilmember Alexander, unanimously approved the resolution awarding the low responsible bid to McCoy Utilities, Incorporated of Sumter in the amount of \$97,170 for the construction of Phase III of the New Brookland Sewer Project. This resolution authorized Mr. Ted M. Johnson, Jr., to exercise the contract.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carol A. Brunson  
City Clerk

/r

ABB132

CITY COUNCIL MINUTES  
SEPTEMBER 20, 1988

Orangeburg City Council held its regularly scheduled meeting on September 20, 1988, at 7:00 P.M., in City Hall Chambers with Mayor Pendarvis presiding.

PRESENT: E. O. Pendarvis, Mayor  
W. Everette Salley, Mayor Pro Tem  
Henry F. Frierson  
Sara H. Alexander

A motion by Councilmember Alexander, seconded by Councilmember Frierson, unanimously approved the September 6, 1988 City Council Minutes as distributed.

Mayor Pendarvis recognized Councilmember Alexander as this being her last meeting. He stated that she was a hard working councilmember. Ms. Alexander stated that she served her city to the best of her abilities and appreciated all the support from fellow councilmembers and the citizens of the City of Orangeburg.

A motion by Councilmember Alexander, seconded by Councilmember Frierson, unanimously approved the third reading of the City/County Land Swap Ordinance.

A motion by Councilmember Alexander, seconded by Councilmember Frierson, accepted the recommendation by the Orangeburg Aviation Commission on the airport fixed based and aircraft maintenance operations.

Council unanimously accepted the Election Commission Report. (See Attachment)

A motion by Mayor Pendarvis, seconded by Mayor Pro Tem Salley, unanimously approved the prohibiting of parking on the east side of Lovell, SE.

Council unanimously approved to defer the executing project agreements and right of way easements for the State Highway Department to improve the following city streets.

1. Oakland NE from Russell NE northerly approximately 350 feet
2. Pine SE from Palmetto SE to Moseley SE
3. Boulevard NE from Russell NE to Sifly NE

City Attorney Walsh presented a Resolution pertaining to the litigation with Jones Intercable. He pointed out that no money would be paid but this agreement may include certain waivers of the pole attachment agreement.

A motion by Councilmember Alexander, seconded by Mayor Pro Tem Salley, unanimously approved the first reading of an ordinance to amend Chapter 11 of the City of Orangeburg Code of Ordinances regulating minimum standards for housing in the corporate limits.

A motion by Mayor Pro Tem Salley, seconded by Councilmember Alexander, unanimously approved the first reading of an ordinance to amend Section 5-1 of the Code of Ordinances, City of Orangeburg, SC adopted October 21, 1969, relating to adoption of the standard building code.

R E S O L U T I O N

WHEREAS, studies by the Surgeon General of the United States, The National Academy of Sciences, and other health organizations have linked passive exposure to tobacco smoke (second-hand smoke) to a variety of negative health conditions in non-smokers, and

WHEREAS, The Department of Public Utilities for the City of Orangeburg, State of South Carolina seeks to protect non-smokers from passive exposure to tobacco smoke (second-hand smoke) by regulating smoking within its general offices located on Russell SW in the City of Orangeburg, State of South Carolina;

NOW, THEREFORE, be it resolved by City Council duly assembled that smoking shall not be permitted within the general offices and building of the Department of Public Utilities for the City of Orangeburg, State of South Carolina, located on Russell SW in said City and State.

BE IT FURTHER RESOLVED that the Manager of the Department of Public Utilities and the Manager's designees shall have the authority to manage and control smoking within said offices and building and shall post or cause to be posted and prominently displayed, and shall maintain, "No Smoking" signs at all entrances to said building. Signs shall be of sufficient number and in sufficient locations to convey the message clearly to all persons within said building.

DONE AND RATIFIED this 20th day of September, 1988.

Signed:

E.O. Pendleton  
Mayor  
W. Keith Selby  
Sam H. McInnis  
Henry B. Johnson

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Members of Council

ATTESTED:

[Signature]  
City Clerk

R E S O L U T I O N

WHEREAS, the City of Orangeburg, the individual members of City Council and the Manager of the Department of Public Utilities are defendants in that certain civil action entitled Jones Intercable Inc., et al., Plaintiffs vs. City of Orangeburg, et al., Defendants, Docket No. 5-87-2014-6 of the United States District Court, Orangeburg Division, and

WHEREAS, both the Plaintiffs and the Defendants have determined through extensive discovery that settlement of said litigation is in the best interest of all parties, and

WHEREAS, settlement negotiations have been ongoing between the respective attorneys for the parties;

NOW, THEREFORE, be it resolved by City Council duly assembled that the attorneys of record for the Defendants are authorized to negotiate a settlement with the attorneys for the Plaintiffs which shall not include the payment of any sum of money whatsoever by or on behalf of the City of Orangeburg or its officials to Jones Intercable, but which may involve the granting of certain waivers or amendments to the Pole Attachment Agreement for the purpose of minimizing the impact of the construction of the Department of Public Utilities' fiber optics SCADA system on Jones Intercable; provided, the Manager of the Department of Public Utilities is of the opinion that such waivers or amendments will not have a substantial adverse effect on the Department of Public Utilities or its fiber optics SCADA system.

DONE AND RATIFIED this 20th day of September, 1988.

Signed:

E. O. Paulding  
Mayor  
W. Charles Selley  
Sam H. Alexander  
Henry A. Morrison

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Members of Council

ATTESTED:

[Signature]  
City Clerk

DECLARATION OF RESULT OF CITY ELECTION

For City Council Members, Districts 2, 3, 4, 5 and 6 - Held  
September 13, 1988

We, the duly appointed Commissioners of Election for the City of Orangeburg, having received the report of the Managers of the Election who had charge of the election held in the City of Orangeburg on September 13, 1988, for the purpose of electing council members for Districts 2, 3, 4, 5 and 6, and having had delivered into our charge the ballot boxes with the ballots sealed therein, met at the City Hall on Thursday, September 16, 1988; no person appeared before your Commissioners with any statement or request in regard to the said election, and the following is the tabulated vote received by the candidates at said election:

DISTRICT 2

Sara H. Alexander	141 votes	TERM EXPIRES 9-91
Dr. W. Everette Salley	161 votes	

DISTRICT 3

Thomas A. Boland, Sr.	249 votes	TERM EXPIRES 9-89
Barney M. Houser	101 votes	
Paul A. Miller	76 votes	

DISTRICT 4

Eugene Montgomery	83 votes	TERM EXPIRES 9-91
Bernard Haire	135 votes	

DISTRICT 5

Liz Zimmerman Keitt	80 votes	TERM EXPIRES 9-89
Forrest O. Blunt	21 votes	

DISTRICT 6

Rev. Allen W. Parrott	112 votes	TERM EXPIRES 9-91
-----------------------	-----------	-------------------

Having received no contests, your Commissioners therefore

declare that the said Dr. W. Everette Salley, Thomas A. Boland, Sr., Bernard Haire, Liz Zimmerman Keitt and Rev. Allen W. Parrott have been elected as Council Members for the City of Orangeburg.

D. D. Salley, III  
D. D. Salley, III, Chairman

Carol H. Riley  
Carol H. Riley

Harold I. Robinson  
Harold I. Robinson

Municipal Election Commission for  
City of Orangeburg, South Carolina

Eugene L. Ott  
Eugene L. Ott, Municipal  
Clerk to Election Commission

Sworn to before me this the 16th day of September, 1988

[Signature]  
Notary Public, South Carolina

My Commission Expires: 6/16/93

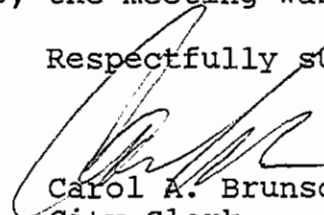
CITY COUNCIL MINUTES  
SEPTEMBER 20, 1988  
PAGE 2

Pertaining to the Department of Public Utilities matters, a motion by Councilmember Alexander, seconded by Mayor Pendarvis, unanimously approved a Resolution to prohibit smoking in the Department of Public Utilities building.

Mayor Pro Tem Salley made an amendment to the above Resolution to include all city buildings. It did not receive a second.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carol A. Brunson  
City Clerk

/r

ABB132



CITY COUNCIL MINUTES  
OCTOBER 4, 1988

Orangeburg City Council held its regularly scheduled meeting on October 4, 1988, at 7:00 P.M., in City Hall Chambers with Mayor Pendarvis presiding.

PRESENT: E. O. Pendarvis, Mayor  
Thomas A. Boland, Sr., Mayor Pro Tem  
Henry F. Frierson  
Bernard Haire  
L. Zimmerman Keitt  
Allen W. Parrott  
W. Everette Salley

Attorney James F. Walsh administered the oath of office to the recently elected councilmembers (Boland, Haire, Keitt, Parrott, and Salley).

A motion by Councilmember Keitt, seconded by Councilmember Parrott, unanimously approved the election of Thomas A. Boland, Sr., as Mayor Pro Tem.

A public hearing was held on the rezoning of Edisto Gardens from A-2 Residential to B-1 Business. City Administrator Smith explained that the Department of Public Utilities needed to expand their water plant thus displacing the City's Park Office which must move to another location. The size of the land in question is not sufficient to honor the set back requirements of A-2 zoning. No public comments were received.

A motion by Councilmember Frierson, seconded by Councilmember Keitt, unanimously approved the September 20, 1988 City Council Minutes as distributed. Councilmember Haire noted that he wanted public comments included in the minutes.

An appearance was scheduled for Mrs. P. Gardiner Clark but she did not attend the meeting.

A motion by Councilmember Salley, seconded by Councilmember Haire, unanimously approved the right of way easement for Oakland NE from Russell NE northerly approximately 350 feet.

A motion by Councilmember Salley, seconded by Councilmember Frierson, unanimously approved the right of way easement for Pine SE from Palmetto SE to Moseley SE.

A motion was made by Councilmember Salley and seconded by Councilmember Frierson (seconded for the purpose of opening the matter for discussion) to approve executing the State Highway Department project agreement on Boulevard NE from Russell NE to Sifly NE. Councilmember Haire stating that he opposed the matter, requested a public hearing. Councilmember Parrott stated that more study was needed on the people that it will affect. Councilmember Keitt wanted to enforce the request made at the previous meeting by Mr. Eugene Montgomery for a public hearing, therefore, Councilmember Keitt, Mayor Pro Tem Boland, Councilmember Haire, Councilmember Parrott, opposed execution of this project agreement thus postponing this matter again. Mayor Pendarvis pointed out that this is a sore point and an area needing attention. Some improvements have been made but there is still some problems. He thinks that council should move forward and have the problem alleviated so that the area can be more attractive. This project amount is approximately \$500,000 and he does not want to risk the possibility of not having anything done at all. He stated that we should schedule a public hearing as soon as legally possible. After some discussion about when the hearing should be, Councilmember Salley stated that he felt that it needed to be a separate meeting because of the seating capacity in the Council Chambers. Mr. Eugene Montgomery wants council to consider all the area to the Orangeburg Mall as brought up in a plan some years ago. He's hoping that the highway department will include this in their presentation as it is part of the problem.

CITY COUNCIL MINUTES  
OCTOBER 4, 1988  
PAGE 2

A motion by Councilmember Salley, seconded by Councilmember Frierson, unanimously approved the second reading of an ordinance to amend Chapter 11 of the City of Orangeburg Code of Ordinances regulating minimum standards for housing in the corporate limits.

A motion by Councilmember Salley, seconded by Councilmember Frierson, unanimously approved the second reading of an ordinance to amend Section 5-1 of the Code of Ordinances, City of Orangeburg, South Carolina, adopted October 21, 1969, relating to adoption of the standard building code.

A motion by Councilmember Salley, seconded by Councilmember Parrott, unanimously approved the first reading of an ordinance to rezone the Edisto Gardens from A-2 Residential to B-1 Business.

Mayor Pro Tem Boland read a Veteran's Day Proclamation proclaiming Friday, November 11, 1988, as Veteran's Day. He also noted that there would be a ceremony at 11:00 A.M. on this day at the Edisto Gardens.

Mayor Pro Tem Boland read the Proclamation proclaiming October 3rd through 9th, 1988, as National Community Health Center Week.

A motion by Councilmember Haire, seconded by Councilmember Salley, unanimously approved Councilmember Keitt as a member of the Intergovernmental Affairs Committee replacing former Councilmember Herb Bradley.

A motion by Mayor Pendarvis, seconded by Councilmember Haire, unanimously approved to defer action on a request from the Detention Center to retain un-spent funds until the amount of the damage (from the 7-4-88 fire) to the LEC is known.

A motion by Councilmember Frierson, seconded by Mayor Pendarvis, approved the first reading of the Airport Fixed Base Operating Lease Ordinance. Councilmember Keitt abstained from voting.

A motion by Councilmember Frierson, seconded by Councilmember Salley, unanimously approved the Airport Mechanics Lease Ordinance.

Mayor Pro Tem Boland expressed concern over the parking meter situation around the court house. He stated that employees of the court house have now returned to parking in the customer parking spaces. He feels that we need to return to enforcing parking regulations. A motion by Mayor Pro Tem Boland, seconded by Mayor Pendarvis, unanimously approved this.

He also expressed concern of some business people wanting to remove the parking meters on Boulevard by the railroad. He suggested a meeting with these business people. Mr. Lamar Dawkins requested that this meeting be part of the public hearing when the railroad corner is discussed.

Mayor Pro Tem Boland stated that shop lifting is becoming a problem again in the downtown area. He thinks that a foot beat patrol needs to be performed once or twice a day during business hours. A motion by Mayor Pro Tem Boland, seconded by Mayor Pendarvis, approved this. Councilmember Salley stated that council is now directing the Chief (Public Safety Director Brant) on how to run his department and feels that it is a mistake to do it in this manner.

City Administrator Smith presented a report to council on Public Safety. (A copy attached and made a part of these minutes.)

Mayor Pro Tem Boland requested the same report presented by Attorney Walsh and City Judge Salley to the previous council concerning Public Safety.

ABB132

CITY COUNCIL MINUTES  
OCTOBER 4, 1988  
PAGE 3

Mayor Pro Tem Boland requested a report on employment, dismissal, and grievance procedures of the City. City Administrator Smith pointed out that this was in the Revised Personnel Policy handbook that was recently issued. Mayor Pro Tem Boland asked why did the City and DPU have separate Grievance Committees.

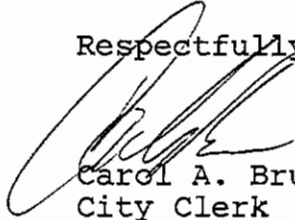
City Administrator Smith requested an executive session on behalf of Attorney Walsh for legal advice.

DPU Manager, Ted Johnson, was not present, therefore, there were no utility matters brought before council.

A motion by Councilmember Salley, seconded by Councilmember Parrott, unanimously approved to enter into an executive session for legal advice.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carol A. Brunson  
City Clerk

/r

E. O. PENDARVIS  
MAYOR

THOMAS A. BOLAND, SR.  
HENRY F. FRIERSON, M. D.  
BERNARD HAIRE  
L. ZIMMERMAN KEITT  
ALLEN W. PARROTT  
W. EVERETTE SALLEY, D.V.M.  
MEMBERS OF COUNCIL



L. HUGH SMITH  
CITY ADMINISTRATOR  
P. O. DRAWER 387

## City of Orangeburg

South Carolina

29116-0387

TO: Orangeburg City Council  
FROM: L. Hugh Smith  
DATE: October 4, 1988  
SUBJECT: Public Safety Department Status Report

The Public Safety Department is now organized with a Police Division and a Fire Division operating under the administrative leadership of the Public Safety Director.

Police Division personnel are working three eight hour shifts per day while the Fire Division operates on a twenty-four hours on duty and forty-eight hours off duty schedule.

The cross training of personnel is continuing. Nine policemen and four firemen have just completed Phase III Fire Training. Another class is starting on October 10th which will consist of ten policemen and two firemen. These twenty-five people are then scheduled to attend the South Carolina Fire Academy on October 23rd to be tested for certification as firemen.

Other classes are being planned which will soon have all of our Public Safety personnel "fire certified."

Firemen are on a schedule which calls for them to supplement the police patrol for thirty-two hours per month. They are gaining experience in routine patrol work but are to respond immediately to any fire scene with their equipment being in the patrol car.

We are waiting for Criminal Justice Academy dates to become available so that these employees can attend and become "police certified."

LHS/r

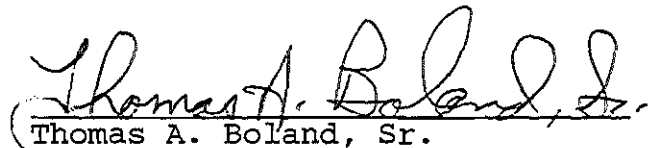
STATE OF SOUTH CAROLINA,

COUNTY OF ORANGEBURG.


I, Thomas A. Boland, Sr., Councilmember of the City of Orangeburg, do solemnly swear that I will equally, fairly and impartially, in the best of my ability and skill, exercise the trust reposed in me and I will use my best endeavors to preserve the peace and carry into effect according to the law for the purposes for which I have been elected.

I do further solemnly swear that I will at all times endeavor to secure and maintain for the City an honest and efficient government in every particular, with an eye single to the public welfare.

I do further solemnly swear that I am duly qualified, according to the constitution of this State, to exercise the duties of the office to which I have been elected and that I will, to the best of my ability, discharge the duties thereof and preserve, protect and defend the Constitution of this State and of the United States, So Help Me God!

  
Thomas A. Boland, Sr.

Sworn to before me this 4th  
day of October, 1988

  
\_\_\_\_\_  
Carol A. Brunson  
Notary Public, SC

My Commission expires 6-16-93

STATE OF SOUTH CAROLINA,

COUNTY OF ORANGEBURG.

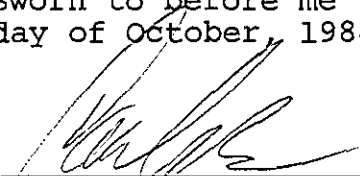
I, Bernard Haire, Councilmember of the City of Orangeburg, do solemnly swear that I will equally, fairly and impartially, in the best of my ability and skill, exercise the trust reposed in me and I will use my best endeavors to preserve the peace and carry into effect according to the law for the purposes for which I have been elected.

I do further solemnly swear that I will at all times endeavor to secure and maintain for the City an honest and efficient government in every particular, with an eye single to the public welfare.

I do further solemnly swear that I am duly qualified, according to the constitution of this State, to exercise the duties of the office to which I have been elected and that I will, to the best of my ability, discharge the duties thereof and preserve, protect and defend the Constitution of this State and of the United States, So Help Me God!

  
Bernard Haire

Sworn to before me this 4th  
day of October, 1988

  
Carol A. Brunson  
Notary Public, SC

My Commission expires 6-16-93

STATE OF SOUTH CAROLINA,

COUNTY OF ORANGEBURG.

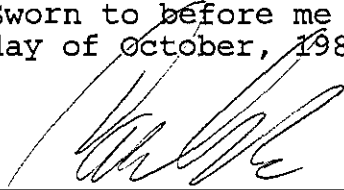
I, L. Zimmerman Keitt, Councilmember of the City of Orangeburg, do solemnly swear that I will equally, fairly and impartially, in the best of my ability and skill, exercise the trust reposed in me and I will use my best endeavors to preserve the peace and carry into effect according to the law for the purposes for which I have been elected.

I do further solemnly swear that I will at all times endeavor to secure and maintain for the City an honest and efficient government in every particular, with an eye single to the public welfare.

I do further solemnly swear that I am duly qualified, according to the constitution of this State, to exercise the duties of the office to which I have been elected and that I will, to the best of my ability, discharge the duties thereof and preserve, protect and defend the Constitution of this State and of the United States, So Help Me God!

  
L. Zimmerman Keitt

Sworn to before me this 4th  
day of October, 1988

  
Carol A. Brunson  
Notary Public, SC

My Commission expires 6-16-93

STATE OF SOUTH CAROLINA,

COUNTY OF ORANGEBURG.


I, Allen W. Parrott, Councilmember of the City of Orangeburg, do solemnly swear that I will equally, fairly and impartially, in the best of my ability and skill, exercise the trust reposed in me and I will use my best endeavors to preserve the peace and carry into effect according to the law for the purposes for which I have been elected.

I do further solemnly swear that I will at all times endeavor to secure and maintain for the City an honest and efficient government in every particular, with an eye single to the public welfare.

I do further solemnly swear that I am duly qualified, according to the constitution of this State, to exercise the duties of the office to which I have been elected and that I will, to the best of my ability, discharge the duties thereof and preserve, protect and defend the Constitution of this State and of the United States, So Help Me God!

  
Allen W. Parrott

Sworn to before me this 4th  
day of October, 1988

  
Carol A. Brunson  
Notary Public, SC

My Commission expires 6-16-93



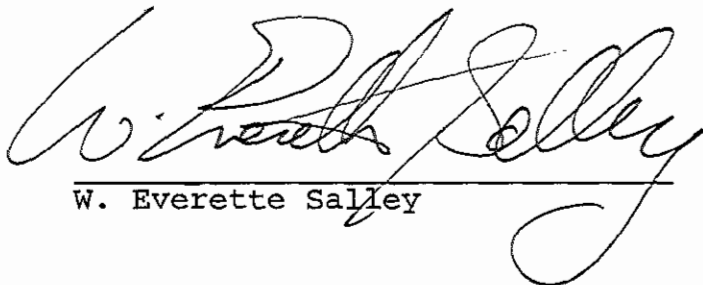
STATE OF SOUTH CAROLINA,

COUNTY OF ORANGEBURG.

I, W. Everette Salley, Councilmember of the City of Orangeburg, do solemnly swear that I will equally, fairly and impartially, in the best of my ability and skill, exercise the trust reposed in me and I will use my best endeavors to preserve the peace and carry into effect according to the law for the purposes for which I have been elected.

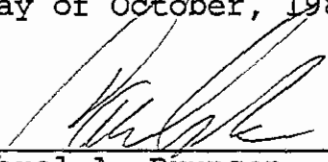
I do further solemnly swear that I will at all times endeavor to secure and maintain for the City an honest and efficient government in every particular, with an eye single to the public welfare.

I do further solemnly swear that I am duly qualified, according to the constitution of this State, to exercise the duties of the office to which I have been elected and that I will, to the best of my ability, discharge the duties thereof and preserve, protect and defend the Constitution of this State and of the United States, So Help Me God!



W. Everette Salley

Sworn to before me this 4th  
day of October, 1988



Carol A. Brunson  
Notary Public, SC

My Commission expires 6-16-93

The State of South Carolina

Item 28919

TRACT.....1.....

COUNTY OF OrangeburgRoute No. S-2011 File No. ....

## Right of Way Easement

Project No. ....

City of Orangeburg

Approx. survey station, from 0+32 to 3+40 Rt. & Lt.

Orangeburg, S.C. 29115

KNOW ALL MEN BY THESE PRESENTS, That I (or we).....

in consideration of the sum of One Dollar, to me (or us) in hand paid, and other valuable consideration at and before sealing and delivering thereof, by the South Carolina Department of Highways and Public Transportation, receipt of which is hereby acknowledged, have granted, bargained, sold, and released, and by these presents do grant, bargain, sell and release, unto the said South Carolina Department of Highways and Public Transportation, its successors and assigns a right

of way for the construction of a section of the State Highway from S.C. Route 33

Name of Place

to northwest on Route No. S-2011 State and

Name of Place

County aforesaid, as shown by plans prepared by the South Carolina Department of Highways and Public Transportation, on and over all lands which I (or we) may own in whole or in part, for the purpose of locating, constructing, improving, and maintaining the above described highway with the bridges and causeways thereon, and the right to construct and maintain controlled access facilities to said highway.

Bounded by the lands of S.C. State College on the northwest, S.C. Route 33 on the

Show only the Land Owners along the Highway.

southeast and others.

Said right of way to have a width of 40 feet, that is 20 feet on each side of the center line of the highway. The grantor expressly recognizes the possibility that the property described herein may be used in the future by cable television companies for the purposes provided by Act No. 688 of the Acts of Joint Resolutions (1976).

"Special Provisions:" A 40 foot right of way as shown on plat recorded in plat  
book 1 at page 116 as recorded in the Office of the R.M.C. for orangeburg Co.

Together with, all and singular, the rights, members, hereditaments and appurtenances thereunto belonging, or in any wise incident or appertaining. It is agreed that buildings, fences, signs or other obstructions will not be erected by me (or us), my heirs, assigns or administrators within the limits of the right of way herein conveyed and that such buildings and fences as are now within the limits of the right of way herein conveyed will be moved from the right of way and restored in as good condition as before moving at the expense of the South Carolina Department of Highways and Public Transportation.

TO HAVE AND TO HOLD, all and singular, the said right of way and the rights hereinbefore granted, unto the said South Carolina Department of Highways and Public Transportation, its successors and assigns forever.

IN WITNESS WHEREOF, I (or we) have hereunto set my (or our) hand... and seal... this 5<sup>th</sup> day  
of October in the year of our Lord, One Thousand Nine Hundred and Eighty Eight.

Signed, sealed and delivered in the presence of:

Susan L. Kingston  
Quint M. Kelly

City of Orangeburg

E.O. Pandorovic (L.S.)  
Mayor

NOTE: All Right of Way Agreements must be in writing and are subject to rejection by the South Carolina Department of Highways and Public Transportation.

The State of South Carolina

COUNTY OF OrangeburgPersonally appeared Susan L. Kingston

and made oath that She saw the within named E.O. Pandorovic

Print or Typewrite Name.

sign, seal and, as True act and deed, deliver the within written easement; and that She with

Susan S. Mulkey witnessed the execution thereof.

Sworn to before me this 5<sup>th</sup>day of October A.D., 1988

Blair E. Edgar (L.S.)

Susan L. Kingston  
Witness sign here.

My Commission expires 2/14/1990  
Notary Public for South Carolina

The State of South Carolina

RENUNCIATION OF DOWER

COUNTY OF.....

I..... Notary Public for S. C.

do hereby certify unto whom it may concern, that Mrs. ....

the wife of the within named..... did this day appear before me, and upon being privately and separately examined by me, did declare that she does freely, voluntarily, and without any compulsion, dread or fear of any person or persons whomsoever, renounce, release, and forever relinquish unto the within named South Carolina Department of Highways and Public Transportation, its successors and assigns, all her interest and estate, and also her right and claim of dower of, in and to, all and singular, the premises within mentioned and released

Given under my hand and seal, this.....day of.....

Anno Domini, 19.....

Signature of Wife.

Sworn to before me this.....day of.....A. D., 19.....

(L. S.)

My Commission expires.....  
Notary Public for South Carolina

The State of South Carolina

MORTGAGE RELEASE

COUNTY OF.....

KNOW ALL MEN BY THESE PRESENTS, That I (or we)..... do for certain valuable consideration release from the lien and operation of my (or our) mortgage the property conveyed by the within deed so that the said property shall be free and unaffected by said mortgage.

Witness our hand and seal this.....day of....., 19.....

In the presence of:

.....  
.....

## THE STATE OF SOUTH CAROLINA

## RIGHT OF WAY EASEMENT

COUNTY OF Orangeburg

APPROXIMATE SURVEY STATION

Road/Route No. S-10060+16 TO 4+34 RT & LT

File No. \_\_\_\_\_

TO \_\_\_\_\_

Project No. \_\_\_\_\_

TO \_\_\_\_\_

KNOW ALL MEN BY THESE PRESENTS, That I (or we) City of Orangeburg,Orangeburg, South Carolina 29116

in consideration of the sum of One Dollar, to me (or us) in hand paid, and other valuable consideration at and before the sealing and delivering thereof, by the South Carolina Department of Highways and Public Transportation, receipt of which is hereby acknowledged, have granted, bargained, sold and released and by these presents do grant, give, bargain, sell, release and quitclaim, unto the said South Carolina Department of Highways and Public Transportation, its successors and assigns, an easement or right of way for the construction, improvement, operation and maintenance of a public road as a State Highway from Road S-1005 (Palmetto St) to

Road S-1095 (Moseley St.) on Road S-1006 (Pine St.), State and County aforesaid, as shown by plans prepared by the South Carolina Department of Highways and Public Transportation, upon and across the land which I (or we) may own, in whole or in part, between the survey stations referenced above and as depicted and described on the above referenced plans together with, all and singular, the rights, members, hereditaments, and appurtenances thereunto belonging, or in any way incident or appertaining.

Said right of way to have a width of 38 feet, that is 19 feet on each side of the centerline of the highway. The grantor expressly recognizes the possibility that the property described herein may be used in the future by a public utility or others granted the statutory right to use the right of way.

SPECIAL PROVISIONS: Also herein granted is a 15 X 15 foot triangular area right of approximate mainline survey station 0+40 at the intersection of Road S-1006 and Road S-1005.

TO HAVE AND TO HOLD, all and singular, the said easement or right of way and the rights hereinbefore granted, unto the said South Carolina Department of Highways and Public Transportation, its successors and assigns forever for a public road, highway, other public transportation purposes or other public uses as are permitted within and in conjunction with highway rights of way and the grantors hereby dedicate their respective interest in said strip of land to public use for such purposes.

It is agreed that buildings, fences, signs or other obstructions will not be erected by me (or us), my (or our) heirs, assigns or administrators within the limits of the right of way herein conveyed and that such buildings and fences as are now within the limits of the right of way herein conveyed will be moved from the right of way and restored in as good condition as before moving at the expense of the South Carolina Department of Highways and Public Transportation.

IN WITNESS WHEREOF, I (or we) have hereunto set my (or our) hand and seal this 4<sup>th</sup> day of

October, in the year of our Lord, One Thousand Nine Hundred and Eighty Eight

Signed, sealed and delivered in the presence of:

CITY OF ORANGEBURG

Susan L. Kingston  
1st Witness

X BY: E. O. Pondar's (L.S.)  
MAYOR

James J. Huekey  
2nd Witness

(L.S.)

NOTE: All right of way agreements must be in writing and are subject to rejection by the South Carolina Department of Highways and Public Transportation.

## THE STATE OF SOUTH CAROLINA

COUNTY OF Orangeburg

Personally appeared before me the undersigned witness and made oath that s/he saw the within named grantor sign, seal and as the grantor's act and deed, deliver the within written easement; and that s/he with the other witness whose signature appears above witnessed the execution thereof.

Sworn to before me this 5<sup>th</sup>  
day of October, A.D., 1988

William Early (L.S.)

Susan L. Kingston  
1st Witness sign here

My Commission Expires: 2/14/1990

Recorded \_\_\_\_\_ By: \_\_\_\_\_ File \_\_\_\_\_

Project \_\_\_\_\_ Tract 1

THE STATE OF SOUTH CAROLINA  
COUNTY OF \_\_\_\_\_

MORTGAGE RELEASE

KNOW ALL MEN BY THESE PRESENTS, That I (or we) \_\_\_\_\_

do for certain valuable consideration release from the lien and operation of my (or our) mortgage the property conveyed by the within deed so that the said property shall be free and unaffected by said mortgage.

Witness our hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

In the presence of:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_

SPECIAL PROVISIONS CONTINUED:

Oakland NE

MUNICIPAL-STATE HIGHWAY PROJECT AGREEMENT

STATE OF SOUTH CAROLINA	)	
	)	
COUNTY OF Orangeburg	)	
	)	
FILE NO. 38.	)	RESOLUTION
	)	
F. A. PROJECT NO.	)	
	)	
<del>ROUTE OR</del> ROAD NO. S-2011	)	

WHEREAS, In accordance with Chapter 5, Title 57, Code of Laws of South Carolina, 1976, and amendments thereto, the South Carolina Department of Highways and Public Transportation in cooperation with the Municipality of Orangeburg, proposes to construct, reconstruct, alter, or improve a certain street, or streets, on duly constituted routes in the State Highway System, within the corporate limits of said Municipality, according to plans prepared by the South Carolina Department of Highways and Public Transportation, identified as follows:

<u>Project No.</u>	<u>Route or Road No.</u>
Road S-2011: Along Oakland Street from Route 33 northwesterly for approx. 0.058 of a mile to survey station 3+40.	

NOW THEREFORE, Be it resolved that the Municipality of Orangeburg does hereby consent to the construction or improvements of the aforesaid Municipal street, or streets, in accordance with the aforesaid plans, thereby evidencing compliance by the South Carolina Department of Highways and Public Transportation with the provisions of Section 57-5-820, Code of Laws of South Carolina, 1976; and further the Municipality, having reviewed the plans for said construction, does hereby approve said plans, as heretofore identified, as provided for in Section 57-5-830, of the 1976 Code. It is expressly agreed that the South Carolina Department of Highways and Public Transportation shall not be held liable for any damages to property or injuries to persons as a consequence of the placing, maintenance, or removal of any utilities by the Municipality, or by others pursuant to permission of the Municipality; further, that the Municipality agrees to indemnify and hold harmless the South Carolina Department of Highways and Public Transportation against any and all claims or actions brought against it arising out of the placing, maintenance, or removal of any utilities by the Municipality, or by others pursuant to permission of the Municipality.

BE IT FURTHER RESOLVED, That the Municipality will legally protect the rights of way as shown by the plans prepared by the South Carolina Department of Highways and Public Transportation and as established for this street, or streets, from future encroachment along any or all parts of the improvement covered by this agreement, and that all water, sewer and gas pipes, manholes, or fire hydrants and all power, light, telegraph, or telephone poles will be moved, relocated or rearranged, or caused to be moved, relocated or rearranged by the Municipality, in accordance with plans prepared by the South Carolina Department of Highways and Public Transportation and/or by respective utility companies showing their present

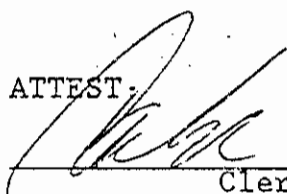
and proposed location, and made a part hereof, with provision that pole lines and hydrants be located back of the sidewalk, and all necessary rights of way for drainage ditches or pipes will be secured to conform to the plans for the proposed improvement and that all of the above will be done without any expense or cost to the South Carolina Department of Highways and Public Transportation except for those items which are shown on the construction plans for this project to be adjusted as items in the construction contract or contracts to be awarded by the South Carolina Department of Highways and Public Transportation.

BE IT FURTHER RESOLVED, That the Municipality will furnish the South Carolina Department of Highways and Public Transportation with evidence satisfactory to the Department that the utilities are operating within the Municipality of franchise or other written permission with provision that all necessary relocations of such utilities to accommodate street improvements will be made at no cost to the South Carolina Department of Highways and Public Transportation; that the presence of the utilities over, along or under the street will in no way interfere with construction, maintenance, and safe operations of the street; and that no additional utility installations within the limits of the street improvement from the date of the execution of this agreement will be permitted without approval of the South Carolina Department of Highways and Public Transportation, and that the relocation activities will be coordinated so as to minimize interference with contractor operations.

BE IT FURTHER RESOLVED, That the Municipality hereby signifies its intention to faithfully observe the provisions of Chapter 5, Title 56, Code of Laws of South Carolina, 1976, and all amendments thereto relating to the regulation of traffic on the street, or streets, to be constructed, reconstructed, altered or improved as hereinabove identified and further agrees to refrain from placing or maintaining any traffic control devices upon any section of said street, or streets, without having first obtained written approval of the South Carolina Department of Highways and Public Transportation as required in Section 56-5-930 of the 1976 Code, nor enacting any traffic regulation ordinances inconsistent therewith.

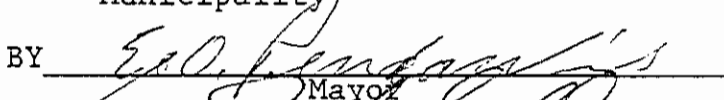

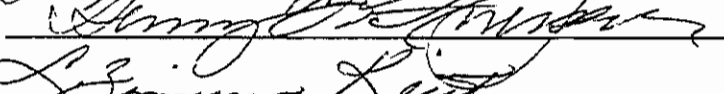
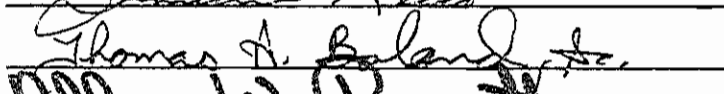
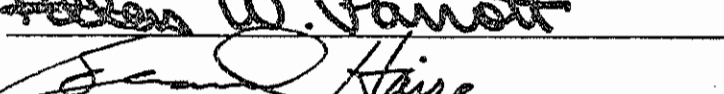

IN WITNESS WHEREOF, This Resolution is hereby adopted and made a part of the Municipal records this 3rd day of October, 1988, and the original of this Resolution will be filed with the South Carolina Department of Highways and Public Transportation at Columbia.

ATTEST:

  
Clerk

City of Orangeburg, South Carolina  
Municipality

BY

  
Mayor  
  
  
  
Thomas A. Baland, Jr.  
  


CITY COUNCIL MINUTES  
OCTOBER 18, 1988

Orangeburg City Council held its regularly scheduled meeting on October 18, 1988, at 6:30 P.M., (in order to begin with a public hearing) in City Hall Chambers with Mayor Pendarvis presiding. The meeting was opened by a prayer from Councilmember Parrott.

PRESENT: E. O. Pendarvis, Mayor  
Thomas A. Boland, Mayor Pro Tem  
Henry F. Frierson  
Bernard Haire  
L. Zimmerman Keitt  
Allen W. Parrott  
W. Everette Salley

The first item of business was a public hearing concerning improvements at Boulevard NE from Russell NE to Sifly NE. Mr. Tim Ray of the SC Highway Department presented a brief history of the project area. He stated that the project started some twelve to twenty years ago as improvements on Boulevard and Russell to be included in the Russell Street lighting project which would have eliminated a left turn with a traffic light. As the years went by the discussion went on to include the elimination of one of the cross overs (Peasley Street) and improving the other cross over (Sifly Street). Mr. Ray stated that in 1985 when he became involved with the project the estimated cost was \$400,000 to \$500,000. This included the removal of one crossing, improvement of the other crossing and installing flashing lights and signals for the railroad crossing. After visiting the area Mr. Ray and other engineers noticed a few things that would improve the traffic flow in the area. He stated that with the two-way traffic there was a lot of conflicting traffic which would lead to a high potential for accidents. He also expressed concern about the old granite curbing gutters, poor drainage and areas of potential flooding. He stated that overall the road just did not look that good. He got approval for an increase in the cost of the project to \$1,100,000. He stated that now he could not get approval for this.

Mr. John Rickenbacker, 1875 North Braircliff Road, (present county council member) wanted to know if a left turn could be made on Russell at East End Motors. Mr. Ray stated yes.

Mr. Oscar P. Butler, 515 Woodlawn Drive, (Vice President of Student Affairs at SC State College) wanted to know what is the problem at Highway 601 and College. Ray said conflicting traffic. Mr. Butler also wanted to know if there would be a light at the new entrance to 601 from Boulevard. Ray said no, but there would be a yeild sign. Butler also wanted to know if they had monitored the flow of traffic. Ray said that a light would not increase the efficiency of traffic flow with a light.

Mr. Rickenbacker stated that he had asked the following question at previous times (when this area in question had been discussed) and still suggests this:

Why not delay all lights six or seven seconds in order to stop everyone before moving any traffic. He said that some of his constituents are concerned that people will by-pass their businesses if the proposed changes are made.

Ms. Patricia Rose, 385 Boulevard NE, wanted to know why left turn lights had never been established at both sides of 601 and Boulevard.

Mr. Allie Blewer, property owner at Sifly and Boulevard, wanted to know how to eliminate the problem without destroying property values with the changes. He was uncertain about the drainage problem and with the destroying of the neighborhood. He thinks that they should widened Boulevard from Bennett Street to Russell Street. He expressed concern about changes already made that have done nothing to improve the area. He thinks that maybe they should allow only passenger cars.

ABB132



CITY COUNCIL MINUTES  
OCTOBER 18, 1988  
PAGE 2

Ms. Louisa Robinson, 415 Boulevard, wanted to know why the highway department needed all the room that they had staked to get in and out of a one block dead end street. Mr. Ray said there would be no need for as much radius as projected if it was a one block dead end street.

Mr. George Watson, 175 Boulevard, stated that they are just setting up a death trap at that proposed spur. Ray said they are just trying to separate the flow of traffic. Mr. Watson said that he would rather tolerate trucks and all the traffic as it is now as to what they are proposing here. He wanted to know what is the vision.

Mr. J. W. Robinson, 1953 Chestnut, was concerned that they were not considering the two churches in the area. Mr. Ray said that they were trying to accommodate the churches and the highway department is trying to do what is best with something that has been there for a long period of time. He recognizes that there are differences of opinion of what is best. The department is trying to make assessment to the best of thier ability and to show to the citizens.

Mr. E. V. Fenton, 656 Boulevard, expressed concern over what provision had been made for pedestrian traffic. Ray said none unless a specific site was already being used. Mr. Ray pointed out that you could not do everything in one project.

Ms. Marian Anderson (Clafin College) wants a light at the entrance of Clafin onto 601. She expressed concern about an increase flow of traffic. Ray said that he did not know if traffic engineers had looked at this project but it could be looked at.

Councilmember Haire wanted to know if the traffic light flow pattern could be changed. Ray said that he felt that eliminating traffic lights is a better answer but timing can take care of some of the problems.

Mr. Erick Payne (property owner on Boulevard for approximately 25 years) does not want to see a one-way street and stated that what is needed is drains.

Rev. C. W. Joyner, 3879 Live Oak Drive, (Minister at New Mount Zion Church) wanted to know if the main problem initially was the left turn situation and Ray stated yes. Rev. Joyner stated that he agreed with Councilman Rickenbacker with concern over the spur entrance on 601 without a light. He felt that this would be establishing "suicide lane". He felt that they should look at left turn lights and safety.

Mr. Oscar P. Butler was concerned about pedestrian crossing and wanted them to compare the worst accident at this area to the 21 by-pass/ Russell Street intersection.

Mr. Rickenbacker stated that they should try alternatives before spending this large sum of money. He stated that maybe they should build a ramp for students and citizens to cross 601. He hopes that council will listen to the citizens' input.

Mayor Pendarvis pointed out that this project is the highway department's recommendation to council.

Ms. Elizabeth Rose, 385 Boulevard NE, was concerned about the radius needed in the Oak Street area. Mr. Ray pointed out that they would keep an open mind at this point but felt that they did not need this much radius at this area.

CITY COUNCIL MINUTES  
OCTOBER 18, 1988  
PAGE 3

Mr. Isaac Gillispie, Whittaker Parkway SE, wanted to point out that Russell Street is the main artery to the black community. If you couldn't turn left off of Boulevard onto Russell then what better way is there than they have at the present time. Mr. Ray pointed out that they would have the ramp (spur) and the light or the Sifly Street crossing and then go down and turn.

Rev. Joyner wanted to know what was the distance from the spur to the red light. Ray said 450 feet. Joyner was concerned about cars in the right hand lane trying to get into the left hand lane without enough time.

Ms. Dorothy Hartzog, Executive Director of the Orangeburg Area Resource Center, was concerned about the thirty-four mentally retarded citizens living off Sifly Street. She had no problems with the traffic flow but was concerned about the safety of those walking to work and walking around the area.

Mayor Pro Tem Boland presented an alternative drawing to Mr. Ray. It consisted of making Peasley one way onto Boulevard and Sifly one way out of Boulevard. He suggested making the right of way along the railroad a holding line or turn lane and the vacant lot on Sifly used to create a turn lane in the middle with coordination of a traffic light. Then use the money saved by eliminating the slip ramp to pave Boulevard to Bennett Street. Ray point out that many combinations have been studied.

Mr. Eugene Montgomery, 325 Tradwell NE, was uncertain about the 5,500 to 6,000 students plus faculty and staff at SC State College and Claflin College. Ray said that a pedestrian study had not been done.

Ms. Pat Rose, 385 Boulevard, (works at Claflin College) was concerned about the tractor-trailer trucks speeding on 601. She suggested that they use the three feet of right away owned by the city between Oak and Sifly on the railroad side of Boulevard to straightened the curve. Ray pointed out again that only so much can be done at one time.

Rev. Robinson, 1953 Chestnut, suggested that they put up "Don't Walk" and "Walk" lights.

This being the end of the public hearing the Mayor ask if this was still the highway department's recommendation and Ray replied yes.

A motion by Councilmember Haire, seconded by Councilmember Keitt, unanimously approved the October 4, 1988, City Council Minutes as distributed.

City Administrator Smith pointed out that it was recently announced by the Awards and Citation Committee of the SC Recreation and Park Society that the City of Orangeburg Parks and Recreation Department had been awarded the Outstanding Recreation Agency Award for 1988 in the population category from 10,000 to 25,000.

A motion by Councilmember Harie, seconded by Councilmember Keitt, approved not to approve the recommendation of the highway department to improve Boulevard NE from Russell NE to Sifly NE but recommended that the highway department re-surface Boulevard with existing funds and consider public comments. Mayor Pendarvis, Councilmember Salley, Councilmember Frierson opposed.

A motion by Mayor Pro Tem Boland, seconded by Councilmember Parrott, unanimously approved the third reading of an ordinance to amend Chapter 11 of the City of Orangeburg Code of Ordinances regulating minimum standards for housing in the corporate limits.

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CITY COUNCIL MINUTES  
OCTOBER 18, 1988  
PAGE 4

A motion by Councilmember Salley, seconded by Councilmember Keitt, unanimously approved the third reading of an ordinance to amend Section 5-1 of the Code of Ordinances, City of Orangeburg, South Carolina, adopted October 21, 1969, relating to adoption of the standard building code.

A motion by Councilmember Haire, seconded by Councilmember Salley, unanimously approved the second reading of an ordinance to rezone Edisto Gardens from A-2 Residential to B-1 Business.

A motion by Councilmember Salley, seconded by Councilmember Haire, unanimously approved the postponing of the second reading of the Airport Fixed Base Operator's Lease Ordinance.

A motion by Councilmember Salley, seconded by Councilmember Keitt, unanimously approved the second reading of the Airport Mechanic's Lease Ordinance.

A motion by Councilmember Frierson, seconded by Councilmember Haire, unanimously approved for the additional cost (\$7,089.84) for the re-roofing the Law Enforcement Complex.

A motion by Councilmember Salley, seconded by Councilmember Keitt, unanimously approved the acceptance of the state grant offer of a project application for engineering and design services for a new runway at the Orangeburg Municipal Airport.

Councilmember Haire suggested that all Board and Commission appointments be by districts. City Administrator Smith point out that there would be problems with a couple of the Broads and Commissions (i.e. Hillcrest and Accomodation Tax Board) due to established guidelines. A motion by Mayor Pendarvis, seconded by Mayor Pro Tem Boland, unanimously approved the recommendation of City Administrator Smith to provide a list of the Boards and Commissions so that council could study them.

City Administrator Smith requested that council consider an executive session for legal advice.

Department of Public Utilities Manager, Ted Johnson, brought a request before council that they re-consider re-issuing gas/plumbers license, which was revoked five years ago to Mr. Joe Myers. A motion by Mayor Pendarvis, seconded by Mayor Pro Tem Boland, unanimously approved the re-instatement of Mr. Myers' license.

Mayor Pro Tem Boland presented a motion on the personnel policy and a motion on the Department of Public Safety to be included on the agenda for the November 1, 1988, city council meeting.

There being no further business, the meeting was adjourned.

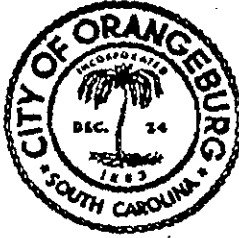
Respectfully submitted,



Carol A. Brunson  
City Clerk

E. O. PENDARVIS  
MAYOR

THOMAS A. BOLAND, SR.  
HENRY F. FRIERSON, M. D.  
BERNARD HAIRE  
L. ZIMMERMAN KEITT  
ALLEN W. PARROTT  
W. EVERETTE SALLEY, D.V.M.  
MEMBERS OF COUNCIL



## City of Orangeburg

South Carolina  
29116-0387

October 21, 1988

Mr. Herman P. Snyder  
State Highway Engineer  
Department of Highways and Public Transportation  
P.O. Box 191  
Columbia, SC 29202

RE: Your letter dated August 1, 1988

Dear Mr. Snyder:

During its October 18, 1988 meeting the Orangeburg City Council, by a majority vote, rejected the highway department's proposed plan for S-38-25 (Boulevard NE).

Hopefully another feasible method can be found to relieve the hazards that this plan was addressing.

We would like for the funds that were obligated to this project to be expended on an alternative solution to the Boulevard NE project.

If this is not feasible, then please refer to my letter to you and your reply of August 1, 1988 which addresses other traffic needs in our area.

Sincerely,

*E. O. Pendarvis*  
E. O. Pendarvis  
Mayor

/n

CC: Dean Campbell

E. O. PENDARVIS  
MAYOR

THOMAS A. BOLAND, SR.  
HENRY F. FRIERSON, M. D.  
BERNARD HAIRE  
L. ZIMMERMAN KEITT  
ALLEN W. PARROTT  
W. EVERETTE SALLEY, D.V.M.  
MEMBERS OF COUNCIL



## City of Orangeburg

South Carolina

29116-0387

L. HUGH SMITH  
CITY ADMINISTRATOR  
P. O. DRAWER 387

October 20, 1988

Mr. Dean Campbell  
District Engineer Administrator  
SC Department of Highways and Public Transportation  
P.O. Box 1086  
Orangeburg, SC 29116-1086

RE: Rd. S-38-25--Boulevard NE to Russell SE

Dear Mr. Campbell:

The Orangeburg City Council, during its meeting of October 18, 1988 by a majority vote, rejected the improvement plans submitted by the Highway Department concerning the above project.

It was requested by Council that the suggestions presented during the Public Hearing be considered and that appropriate actions be taken by your department.

Most of these comments pertained to various ways that the signal lights could be adjusted or modified to help alleviate this problem.

Concerns were also expressed about pedestrian safety and drainage.

Thank you for your consideration in this matter.

Sincerely,

  
E. O. Pendarvis  
Mayor

/s/

CC: Herman Synder  
State Highway Engineer

CITY COUNCIL MINUTES  
NOVEMBER 1, 1988

Orangeburg City Council held its regularly scheduled meeting on November 1, 1988, at 7:00 P.M., in City Hall Chambers with Mayor Pendarvis presiding.

PRESENT: E. O. Pendarvis, Mayor  
Thomas A. Boland, Sr., Mayor Pro Tem  
Henry F. Frierson  
Bernard Haire  
L. Zimmerman Keitt  
Allen W. Parrott  
W. Everette Salley

A motion by Councilmember Parrott, seconded by Councilmember Keitt, unanimously approved the October 18, 1988, City Council Minutes as distributed.

Mr. Jim Headley, Executive Director of the South Carolina Recreation and Parks Association made a presentation to Hillcrest Golf Course and Mr. Tom Vargo for hosting the 1988 Southern District Golf Tournament for the South Carolina Recreation and Parks Association.

Mr. Headley also made a presentation to Mayor Pendarvis for the city winning the Outstanding Agency Of The Year Award for city population size of 10,000 to 25,000 for the Edisto Gardens and various programs sponsored by the City of Orangeburg's Parks and Recreation Department.

A motion by Councilmember Salley, seconded by Councilmember Frierson, unanimously approved the third reading of an ordinance to rezone Edisto Gardens from A-2 Residential to B-1 Business.

A motion was made by Councilmember Frierson and seconded by Councilmember Keitt to approve the second reading of the Airport Fixed Base Operator's Lease Ordinance.

Mr. Clyde Dean, Attorney, interrupted stating that on September 6, 1988, he came before council representing certain owners of airplanes at the Orangeburg Municipal Airport and submitted a petition at that time objecting to the renewal of the contract to Ms. Pat Rhudy. He also stated on September 15, 1988, he wrote a letter to the City Attorney requesting that this matter go into executive session. He was here to present evidence of possible criminal misconduct at the airport and requesting an executive session.

A motion by Councilmember Frierson, seconded by Mayor Pendarvis, unanimously approved to enter into an executive session. This was approved but interrupted by the chairman of the Airport Committee, Mr. W. W. Dukes, who requested that the Airport Commission be present at the executive session because they investigated the situation thoroughly and made the recommendation to council.

Councilmember Frierson withdrew his motion for an executive session and for the motion to approve the lease agreement for the Fixed Base Operator's Lease Ordinance.

Councilmember Frierson, seconded by Mayor Pendarvis, unanimously approved the postponing of the Fixed Base Operator's Lease Ordinance to the next council meeting.

A motion by Councilmember Salley, seconded by Mayor Pendarvis, unanimously approved the third reading of the Airport Mechanic's Lease Ordinance.

ABB132

Mr. W. W. Dukes interrupted stating that the Airport Commission recommended that the lease be negotiated with Mr. Barbieri in connection with the other lease (FBO). The two leases were part of one recommendation and thinks that council should delay executing this lease until they decide what they are going to do with the main lease (FBO). If council decides to do something else on the main lease, this arrangement might not be in the best interest of the city.

Mayor Pendarvis called for a vote on the motion on the floor. Councilmembers Frierson, Parrott, Haire, Mayor Pro Tem Boland and Mayor Pendarvis opposed thus postponing the third reading of the Mechanic's Lease Ordinance.

Concerning the appointment of board and commission members, Mayor Pendarvis made a motion that when a vacancy arises that each member of council should be asked for a nominee and then the entire council vote on it. Councilmember Salley seconded.

Councilmember Haire does not want to make appointments at large but by the individual districts.

Councilmember Frierson feels that the most qualified people should be appointed to the boards and commissions irregardless of the district where they live. This person should be appointed by the entire council.

Mayor Pendarvis pointed out that these members serve without compensation and a lot of times "take a lot of heat" for taking positions. He also stated that it is not always easy to get people to serve on these boards.

Councilmember Haire stated that they would be appointing the most qualified persons from their individual districts and would not appoint anyone who is not qualified.

City Administrator Smith presented a report to council concerning the number of board and commission members. (See Attachment)

Mayor Pendarvis called for a vote concerning these appointments and Councilmembers Kiett, Parrott, Haire and Mayor Pro Tem Boland opposed.

A motion by Mayor Pro Tem Boland, seconded by Councilmember Parrott, directed Attorney Walsh to investigate what the boards and commissions can be set at and see if they can be expanded to where these would be seven members and then allow the new members to be appointed at a random basis so that each councilmember would have an opportunity to put someone on the boards/commissions in the very near future. This would allow each councilmember to appoint someone(does not have to be from own district but from the city at large). Councilmembers Frierson, Salley and Mayor Pendarvis opposed this motion.

Mayor Pro Tem Boland read his motion concerning the Department of Public Safety (See Attachment). This was seconded by Councilmember Haire.

Councilmember Frierson made a statement that he was convinced that the public safety concept would work at its inception and he is still convinced it will work. He was concerned about the expense that reverting back to the old system would cause the present FY 1988-89 budget which has been adopted and the milage rate established. He is convinced that the city is heading in the right direction and thinks the public safety concept should be continued.

Councilmember Parrott stated that he hoped we would not rush out of the public safety concept as we rushed in. He wants council to scrutinize the concept more and look at the positive aspects. After studying the situation, if council feels that it is not for the city then he has no problems with abandoning it.

Mayor Pro Tem Boland stated that twelve (12) additional people are needed anyway and that the \$2,000 (increase by those officers who cross-trained) would not be taken away from anyone. He stated that cross training was needed anyway for large emergencies.

Mayor Pendarvis stated that he voted for the public safety concept because he was convinced it was worth a try. Other cities have operated this program successfully. It is also a way to give better service and get the budget down. He stated that he knew mistakes were made by council and those directly in charge. He agreed that it would be as bad to rush out of it as we rushed in.

Mayor Pendarvis called for a vote from council on the motion on the floor. Councilmembers Frierson, and Salley opposed, thus approving the initiation of a study to investigate the public safety concept. Mayor Pro Tem Boland, Councilmember Frierson and Mayor Pendarvis were appointed by council to serve on the committee to research the public safety concept.

Councilmember Frierson expressed concern about being confined to Mayor Pro Tem Boland's recommendations. A motion by Mayor Pendarvis, seconded by Councilmember Frierson, agreed not to be confined to Mayor Pro Tem Boland's recommendations. Mayor Pro Tem Boland opposed.

Councilmember Salley was concerned about appointing a fireman at this time without the completed study. Councilmember Keitt agreed that we should wait on the committee's recommendation.

Mayor Pro Tem Boland withdrew the section of his motion concerning the immediate appointment of a fireman to command the fire division.

A motion was made by Mayor Pro Tem Boland and seconded by Councilmember Haire, to amend the section of the personnel policy concerning the grievance committee. Councilmember Frierson requested that this matter be postponed due to the influx of information received on this matter. (Two letters from Mayor Pro Tem Boland and one from City Attorney Walsh) Council agreed.

A motion by Councilmember Frierson, seconded by Councilmember Parrott, unanimously approved the project agreement for PRT Grants for renovation to Adden Street Tennis Court and Albergotti Tennis Court in the amount of \$10,000 and authorized Marion J. Smith, Parks and Recreation Director, to sign the agreement. The city's share was approved in the FY 1988-89 budget. DPU Manager, Ted Johnson, stated that the water plant expansion would probably not affect the recreation facilities until around 2010. Director Smith stated that present tennis courts at Albergotti were constructed with BOR monies (Bureau of Outdoor Recreation) and would have to be investigated when the time for expansion arose. The monies presently under consideration carry a five year obligation (10-25-93) due to the small amount of money.

A motion by Councilmember Haire, seconded by Mayor Pro Tem Boland, unanimously approved the elimination of parking spaces at the St. Paul's Methodist Church drive way and Amelia NE. The elimination of parking spaces on Amelia NE and Middleton NE as well as Russell NE/SE and Broughton NE/NW were postponed until the businesses that would be affected are notified.

ABB132



Mayor Pendarvis requested citizen's suggestions in writing (must be signed) to be submitted to council concerning the railroad corner (Boulevard and Russell). Mayor Pendarvis stated that he had written to Dean Campbell and Herman Synder (State Highway Engineer) asking them to consider the alternative suggestions presented at the 10-18-88 public hearing. (Letters Attached) As of today, Mayor Pendarvis states that he has received no response.

A motion by Councilmember Parrott, seconded by Councilmember Keitt, agreed to proceed with the receiving of suggestions.

DPU Manager, Ted Johnson, presented council with the charge off history (1978-1988). He stated that customer deposits have risen and would like to conduct a study annually of those individuals who, for twenty-four consecutive months, have had a good payment record and refund their deposit.

Councilmember Frierson stated that he would like them to continue the study but to see how much of the deposits are forfeited when people leave town (owing a utility bill). If it is an excessive amount then it may be necessary to maintain the deposit system. If it's not a significant amount and not expected to rise then he felt that the deposits should be refunded to those qualifying customers.

Councilmember Haire asked Mr. Johnson if a customer received interest on his deposit when refunded. Mr. Johnson's reply was no.

Mayor Pendarvis wants people to pass the word and get citizens to write him immediately concerning the railroad corner situation.

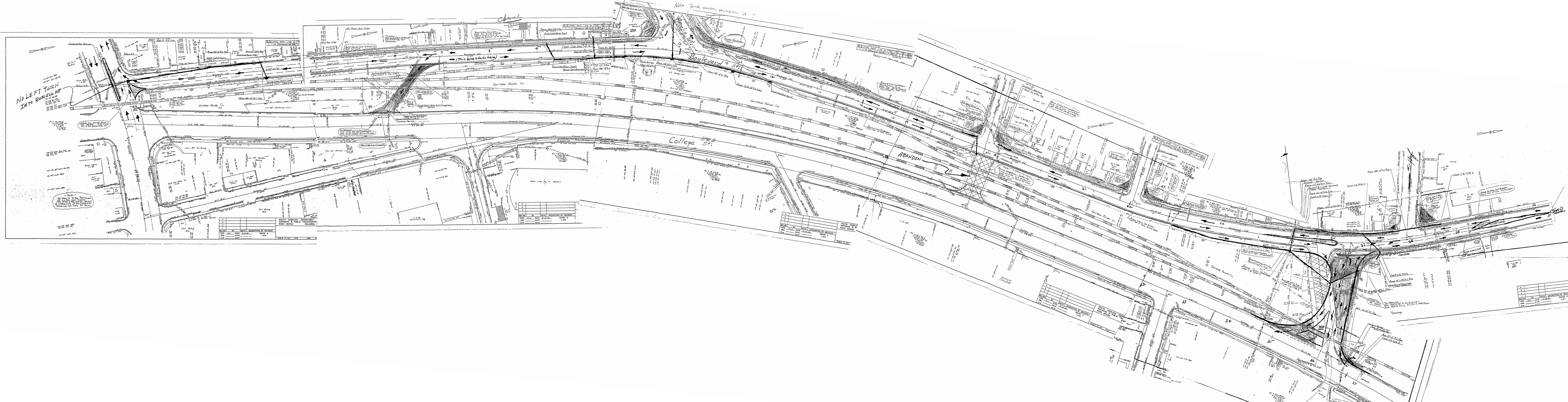
Mayor Pro Tem Boland reminded the public that November 11, 1988, is Veteran's Day.

There being no further business, the meeting was adjourned.

Respectfully submitted,

  
Carol A. Brunson  
City Clerk

/r



NO LEFT TURN  
INTO RUSSELL

College St.

ABANDON

Note: Tank near Avenue 18

NO.	BY	DATE	DESCRIPTION OF REVISION
1			
2			
3			
4			

SOUTH CAROLINA DEPARTMENT  
HIGHWAY & PUBLIC TRANSPORTATION  
ROAD DESIGN  
COLUMBIA, S.C.

NO.	BY	DATE	DESCRIPTION OF REVISION
1			
2			
3			
4			

NO.	BY	DATE	DESCRIPTION OF REVISION
1			
2			
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4			

SOUTH CAROLINA DEPARTMENT  
HIGHWAY & PUBLIC TRANSPORTATION  
ROAD DESIGN  
COLUMBIA, S.C.

NO.	BY	DATE	DESCRIPTION OF REVISION
1			
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SOUTH CAROLINA DEPARTMENT  
HIGHWAY & PUBLIC TRANSPORTATION  
ROAD DESIGN  
COLUMBIA, S.C.

NO.	BY	DATE	DESCRIPTION OF REVISION
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2			
3			
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SOUTH CAROLINA DEPARTMENT  
HIGHWAY & PUBLIC TRANSPORTATION  
ROAD DESIGN  
COLUMBIA, S.C.



E. O. PENDARVIS  
MAYOR

THOMAS A. BOLAND, SR.  
HENRY F. FRIERSON, M. D.  
BERNARD HAIRE  
L. ZIMMERMAN KEITT  
ALLEN W. PARROTT  
W. EVERETTE SALLEY, D.V.M.  
MEMBERS OF COUNCIL



L. HUGH SMITH  
CITY ADMINISTRATOR  
P. O. DRAWER 387

## City of Orangeburg

South Carolina

29116-0387

TO: Orangeburg City Council

FROM: L. Hugh Smith, City Administrator

SUBJECT: Method of appointing Boards and Commissions

DATE: October 20, 1988

Our Boards and Commissions were established by several different methods. Those established by ordinance or by resolution can be changed by council by amending the ordinance or the resolution. The following is a listing of these Boards and Commissions with the number of appointees shown:

Election Commission	3
Board of Adjustments (zoning)	5
Aviation Commission	6
Planning Commission	5
Industrial Development Comm.	7 + ex-officio (1)

The Hillcrest Commission was instituted by a lease agreement with SC State College. The lease agreement states that the Commission must be composed of at least six members with 2/3 being appointed by the city and 1/3 being appointed by the college. We now have a nine member commission with six appointed by the city and three by the college.

The Board of Appeals [building code] is adopted as a part of the Standard Building Code which details the number of members, duties and etc. This Board consists of five members.

The Law Enforcement Center Commission (LEC) was initiated by agreement with Orangeburg and Calhoun counties. We are allowed two members on this commission.

The Accomodations Tax Board is established by state law. It is a seven member board. A majority of this seven must represent the Hospitality Industry.

/s/

E. O. PENDARVIS  
MAYOR

THOMAS A. BOLAND, SR.  
HENRY F. FRIERSON, M. D.  
BERNARD HAIRE  
L. ZIMMERMAN KEITT  
ALLEN W. PARROTT  
W. EVERETTE SALLEY, D.V.M.  
MEMBERS OF COUNCIL



L. HUGH SMITH  
CITY ADMINISTRATOR  
P. O. DRAWER 387

## City of Orangeburg

South Carolina

29116-0387

DATE: November 1, 1988  
TO: City Council  
FROM: Thomas A. Boland, Sr.

In order to approach the Department of Public Safety (DPS) problem in a manner that will give all parties a chance to voice their views and in a hope to reconcile their differences and to provide the City of Orangeburg with the Fire and Police protection it deserves, I move we immediately appoint a committee of three city councilman

to study the DPS plan now in existence versus the concept of a separate police and fire department versus some possible combination of these two to determine which is best for Orangeburg.

I further move that the most qualified Fireman be placed in charge of the Fire division of DPS immediately.

I further move that the DPS director with assistance of the head of the Fire Division and the Police Division prepare two sets of detailed budgets - one for the DPS as was originally proposed, and one that would have these two departments operating separately. This budget would be guided to the salaries being paid prior to the merge. If they determine that a third method might be feasible then they can develop a budget for this method.

I further move that they develop a time schedule that would reflect how these two plans would be implemented depending on which one City Council adopts. They should also include what kind of, how, and when training would be conducted, and also a work schedule showing what hours their officers would work.

These two plans should show how many officers will be available to work on each shift and what contingencies they will provide in the event of extreme emergencies.

In the plan that deals with the separation of these departments, they are to incorporate the continued minimum cross-training of their personnel so that each department could assist the other in emergencies.

They should also reflect the use of the firemen in providing foot patrols in the business districts and the enforcement of parking regulations. The City Administrator is to provide any assistance these men need to carry out this project.

Particular emphasis should be given to the number of personnel needed under the two plans, especially those needed over the next three-five years, and the approximate cost over the next three-five years. Emphasis should also be given as to how each plan would respond in the event of a major fire or fires occurring at the same time as a major robbery, murder, hostage, etc. situation occurred.

I further request that the City Administrator assist the committee in preparing a short history of the DPS concept and how this concept has been used in other communities (especially those similar to Orangeburg). If other communities have adopted this program and then abandoned it, the committee should try to determine why they did so. In communities that have a similar successful program, they should find out what problems they had and how they were overcome. Particular emphasis should be placed on how these other communities funded their programs. If possible, copies of these other cities' budget should be obtained as they can be of assistance to the director of DPS in carrying out his assigned mission.

I further move that the director of DPS provide the committee a status report of their progress within thirty days and a completed report and budgets within sixty days. The committee will review these reports, ensure their accuracy and completeness, and then present their findings (with recommendation if appropriate) to the City Council within seventy-five days.

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E. O. PENDARVIS  
MAYOR

THOMAS A. BOLAND, SR.  
HENRY F. FRIERSON, M. D.  
BERNARD HAIRE  
L. ZIMMERMAN KEITT  
ALLEN W. PARROTT  
W. EVERETTE SALLEY, D.V.M.  
MEMBERS OF COUNCIL



L. HUGH SMITH  
CITY ADMINISTRATOR  
P. O. DRAWER 387

## City of Orangeburg

South Carolina

29116-0387

DATE: November 1, 1988  
TO: City Council  
FROM: Thomas A. Boland, Sr.

I move to amend the Grievance Procedure of the Personnel Policy of the City of Orangeburg as revised September 6, 1988, as follows:

1. Page 13, The Employee Grievance Committee

The section captioned "The Employee Grievance Committee" shall now read as follows:

"City Council shall appoint a grievance committee composed of nine (9) employees to serve for a term of three (3) years, except that the members appointed initially shall be appointed so that their terms will be staggered, and approximately one-third (1/3) of the terms shall expire each year. A member shall continue to serve after the expiration of his term until a successor is appointed. Any interim appointment to fill a vacancy for any cause prior to the completion of a member's term shall be for the unexpired term."

Initial Term

3 years	Police
3 years	Parks & Recreation/Hillcrest
2 years	Public Works
1 year	Fire
3 years	Electric
2 years	Wastewater/Gas/Garage
2 years	Water
1 year	Service/Admin/Executive
1 year	DPU Administration

Only one member from one of these departments can be on the Grievance Committee at any time.

Any member may be reappointed for succeeding terms at the discretion of the City Council. Members employed in the same Department or Division as the grieving employee and members having formed an opinion on the issues prior to the hearing, shall not participate in that employee's hearings.

2. Page 14, Line 3:

This sentence shall be changed to read:

"A quorum shall consist of seven (7) members, and no hearings may be held without a quorum."

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CITY COUNCIL MINUTES  
NOVEMBER 15, 1988

Orangeburg City Council held its regularly scheduled meeting on November 15, 1988, at 7:00 P.M., in City Hall Chambers with Mayor Pendarvis presiding.

PRESENT: E. O. Pendarvis, Mayor  
Thomas A. Boland, Sr., Mayor Pro Tem  
Henry F. Frierson  
Bernard Haire  
Allen W. Parrott  
W. Everette Salley

ABSENT: L. Zimmerman Keitt

A motion by Councilmember Frierson, seconded by Councilmember Parrott, unanimously approved the November 1, 1988, City Council Minutes as distributed.

An appearance was made by Mr. Jesse Eargle, Orangeburg County Extension Director, who presented a motion to council considering "Cleansweep Orangeburg County". A motion by Mayor Pendarvis, seconded by Councilmember Salley, unanimously approved this resolution for "Cleansweep Orangeburg County". This event will be held at the Orangeburg County Fairgrounds on December 3, 1988, from 9:00 A.M. to 3:00 P.M.

A motion by Councilmember Frierson, seconded by Mayor Pro Tem Boland, postponed the second reading of the Airport Fixed Base Operator's Lease Ordinance and the third reading of the Airport Mechanic's Lease Ordinance.

Mr. Tom Bryant, attorney for Pat Rhudy, was disturbed that council refuses to take action on this matter--months since these considerations have been before council. These matters have been put off time and time again. He felt that everyone had had time to appear before the Aviation Commission and be represented by counsel to air their grievances about the lease renewal. Mr. Bryant stated that from his understanding, this is not a matter that can be held in executive session and Mrs. Rhudy does not want this held in executive session. He expressed concern that her name has been "dragged around the bottom of the floor". He stated that he felt that everyone has had the opportunity and that she (Rhudy) and John (Barbieri) are entitled to have council move forward and act on this.

Mayor Pendarvis stated that Clyde Dean, attorney for the concerned parties against the lease renewal, was ill and in the hospital, but he (Mayor) agreed that this matter needs to be moved on.

Mr. Bryant wanted to know how many chances these people are going to have to attack these people. Is it every time they want to be heard? Mr. Bryant felt council is ignoring the recommendations of the Aviation Commission.

A motion by Mayor Pro Tem Boland, seconded by Mayor Pendarvis, unanimously agreed to postpone the amendment to the Personnel Policy/Grievance Procedure.

Councilmember Haire stated that he had contacted the businesses in the concerned areas and had received opposition from two businessmen concerning the Amelia NE and Middleton NE area and from one businessman concerning the Russell NE/SE and Broughton NE/NW area. The two opposed to the Amelia/Middleton area were concerned about the decrease in spaces available for customer parking. Councilmember Salley wanted to know if Councilmember Haire had considered the driving public. Councilmember Haire said yes. Councilmember Haire made a motion to not eliminate the proposed parking spaces, seconded by Councilmember Parrott. This was unanimously approved by council.

ABB132



CITY COUNCIL MINUTES  
NOVEMBER 15, 1988  
PAGE 2

City Administrator Smith and DPU Manager, Ted Johnson, presented a recommendation to council that the city change hospital insurance from Aetna to SCLGAG (South Carolina Local Government Assurance Group). One of the main reasons cited was that Aetna was going to increase insurance rates by 19%-25%. SCLGAG could provide similar insurance for the same rate as at present. One of the main reasons is because SCLGAG's administration costs are lower. Mr. Mike Sells, Director of Administrative Division at DPU, was on hand to answer questions about the differences between Aetna and SCLGAG. After some discussion from new councilmembers, City Administrator Smith read a resolution to proceed with SCLGAG. A motion by Councilmember Frierson, seconded by Mayor Pendarvis, unanimously approved this resolution with Smith and Johnson having the authority to sign the necessary documents. (copy of insurance discussion attached)

Mr. Tom Ford, Executive Director of the Orangeburg Area Development Commission, presented a map with the proposed site of Mosler, Inc., for further clarification of the area in question. A motion by Councilmember Salley, seconded by Mayor Pro Tem Boland, unanimously approved the sale of the land in question contingent on FAA approval. (NOTE: this motion was made to accept the concept of the land sale not the actual sale.)

A motion by Councilmember Haire, seconded by Mayor Pro Tem Boland, unanimously approved the employee Christmas dinner and \$25.00 gift certificate.

Council considered a request from the Prince of Orange Mall for police security. Councilmember Haire asked Public Safety Director Brant about the present security provided. Brant said that the city patrol, answer calls and occasionally walks through. Anytime traffic is heavy they put officers down there. Especially during the holiday season they have to "beef-up" patrol downtown and at the mall.

It was the consensus of council to provide security to the Prince of Orange Mall as per the direction of Public Safety Director Brant in accordance with available manpower. Attorney Walsh wanted council to understand that downtown is public and the mall is private property. The city can patrol private parking lots if jurisdiction is given to the city. Mayor Pendarvis stated that we would police to the best of our ability.

Mayor Pendarvis asked if any other councilmembers had received any response to the request for citizen input on the Russell Street/Boulevard situation. Mayor Pro Tem Boland had received one call and Mayor Pendarvis had received three letters.

DPU Manager, Ted Johnson, brought no utility matters before council.

There being no further business, the meeting was adjourned.

Respectfully submitted,

  
Carol A. Brunson  
City Clerk

/r

## RESOLUTION

TO AUTHORIZE THE MUNICIPALITY OF ORANGEBURG to become a member of the South Carolina Local Government Assurance Group.

WHEREAS, the Council of the Municipality of Orangeburg finds that it is in the best interests of the municipality to join with other municipalities, pursuant to Article VIII, Section 13 of the Constitution of the State of South Carolina, to jointly provide for the self-insurance and related benefits for the municipalities and their employees; and

WHEREAS, the South Carolina Local Government Assurance Group has been formed as the means for municipalities and other local governments to provide for the joint administration of an insurance and self-insurance program and the sharing of the costs thereof.

NOW, THEREFORE, BE IT RESOLVED BY the Orangeburg City Council in council duly assembled:

Section 1. The Municipality of Orangeburg hereby agrees to become a member of the South Carolina Local Government Assurance Group, according to the terms of the agreement establishing the group, date March 19, 1981, and agrees to abide by the terms of that agreement, adopting the same by reference as fully as if set out in full herein.

Section 2. We further acknowledge that the Medical Benefit Plan, is a self insured plan and that upon termination of participation in the SCLGAG or in this plan, that the SCLGAG will not be liable for any claims after the effective date of such termination and that the City of Orangeburg becomes solely responsible to its employees paid prior to the effective date of such termination and for such aggregate losses on its account then outstanding from current and previous years.

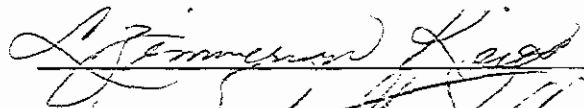
Section 3. This Resolution shall become effective upon approval by Council, as attested below and it is agreed that membership in the South Carolina Local Government Group shall be effective upon receipt by the Board of Trustees of the group of a copy of this Resolution, and upon compliance by the municipality with the terms and conditions of membership set forth in the above-referenced agreement.

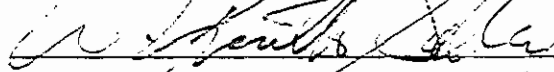
Approved this 15th day of November, 1988.

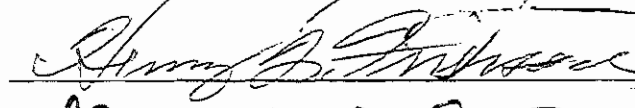
  
MAYOR

  
MEMBER OF COUNCIL

  
MEMBER OF COUNCIL

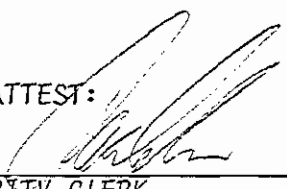
  
MEMBER OF COUNCIL

  
MEMBER OF COUNCIL

  
MEMBER OF COUNCIL

  
MEMBERS OF COUNCIL

ATTEST:

  
CITY CLERK

Most of the report submitted to council was researched by Mike Sells, Director of Administrative Division, DPU.

Concerning the administrative costs, Aetna charges a percentage based on the premium, SCLGAG charges so much per employee per month.

Boland: 2nd page, item 3--more risk assigned to the City. What do you mean by that?

Sells: The only risk assigned would be if we switched carriers. As we leave Aetna, we leave with no risk at all. Because we paid them an extra heavy premium, they have built up a very heavy reserve. If we leave and they owe us money then we don't get it back, if we owe them money then we don't have to pay it. However, if we change to LGAG, then we are totally 100% self-insured. Which means if we decide to leave at any time then we pay for all claims incurred.

Boland: At this time do we know if we have a positive balance or a negative balance with Aetna.

Sells: Right now, it's almost even. We have a big reserve which they will retain.

Boland: What does that mean?

Sells: In excess of \$180,000.

Smith: They use this to pay off claims and anything left over, we'll get it back.

Sells: They are responsible for all claims up to the day we change. It usually takes about three months for run-off claims. It'll take most of this money. The only time you're looking at risk is if you do insurance-hopping.

Boland: On next page, the next to the last paragraph--LGAG has pre-existing condition restrictions, Aetna does not. What does that mean?

Sells: That is actually a plus for the City.

Boland: That's if someone has something wrong with then at the time they come into the policy, then it's not covered?

Sells: That's correct.

Smith: Unless they switch over from Aetna. If you are with Aetna right now with the City and are picked up by LGAG, then you're covered. If you are a brand new employee who's not been with us before then and you have something wrong with you then that's a pre-existing condition.

Boland: Has LGAG been shown to Aetna for them to give a comparison?

Smith: Aetna was not shown this particular packet. Aetna sent letter starting off raising our rates 25%. They then sent letter dated November 2, stating that they had looked at the claims and they were not as bad as they thought and they were not going to make any adjustments at this moment. But on February 1, 1989, they would make adjustments.

Sells: Aetna was given the rates and they cannot match it.

Johnson: With Aetna we are re-insured at \$50,000, and with LGAG it would be \$30,000 (per employee). A level is established at the beginning of the year. The City would have to pay the first \$50,000

or \$30,000 and Aetna would pay the overage. For this we pay insurance--we have a policy. If we leave Aetna, then we will not have to pay them any additional money because a reserve has been established. With LGAG we do not have to put money in a reserve, nor do we have the benefit of the reserve. In the event we changed from LGAG then we would have to pay the additional claims. It's pretty much a washout.

Sells: We do have a reserve, but it's much smaller.

Smith: \$150,000. Which based on calculations, we reach this point the first year and then we won't have to worry about that any more.

Frierson: What was the recommendation about the prescription part?

Smith: We left that in the policy. Take card to pharmacy when getting a prescription filled and either pay \$6 for a name drug or \$3 for the generic.

Boland: Page 14--random sample comparison. 1st 2, why would employee's cost be so much greater in #2 than #1 when benefit would be \$60 less. Looks like the employee would be paying more overall with LGAG than with Aetna.

Sells: Not exactly. We selected 50 claims. If you look down the column what the employee pays is very similar.

Johnson: At certain levels Aetna would be cheaper. You cannot really get two policies. We did not have the option of going out and tailor making policies. We selected two policies that were very similar to Aetna. One may pay more for a procedure and another may pay for another type of procedure.

Sells: Normally at the lower level, LGAG will pay better. LGAG has a \$100 deductible and Aetna's \$250. To counter act this, Aetna has a basic benefit that pays certain dollar amounts for certain claims before deductible. The City paid \$800,000 in claims last year and feels that the amount will be the same next year with LGAG with the benefits being to the employees. One employee may benefit more on a claim an other less, but the affect on the City would be the same.

Boland: Is LGAG financially sound?

Sells: Can't compare a company as large as Aetna to a much smaller company. Remember that we are self-insured and we guarantee employees that we are going to pay the claims. The only thing we could lose would be administrative costs which are lower to begin with.

Boland: Would retired employees be hurt in any way?

Johnson: No, I do not think so. They will be covered as all employees.

Phillips: Nominal surcharge to carry the retirees.

Haire: Is there going to be an increase in costs to employees?

Johnson: No, nor to the City.

Sells: If we stay with Aetna then we feel sure that there will be at least a 19% increase (Johnson: from somewhere). Switching is actually a benefit financially.

Haire: Has this particular plan been shared with employees?

Sells: No.

Johnson: It's a council-management decision. This can be reviewed for years to come.

Boland: Have other cities been satisfied?

Sells: Talked to Rock Hill (the largest) and they highly recommend it.

Boland: If the City left LGAG a year or two later would the City be required for any debts incurred over the life of the policy?

Smith: If they were not paid during that period.

Boland: Is this fair and will give adequate protection to the employees as compared to Aetna?

Smith: Yes. It's pretty much a washout except for the drug card which feels is a benefit.

Sells: Tested on thirty employees (only DPU) and they were for the change.

Johnson: We would not have recommended this if there was a problem with the employees.

Walsh: If wanted to get out of this and the new coverer would not cover a certain large claim (in excess of \$30,000) then the City would incur that risk?

Phillips: Technically that's true. That is a standard excess risk contract--that's not unusual.

Boland: Will LGAG accept any risk for any claims under the Aetna policy?

Phillips: No.

College of Agricultural Sciences  
Cooperative Extension Service

ORANGEBURG COUNTY

P. O. Drawer 1206  
Orangeburg, SC 29116

November 9, 1988



RESOLUTION

Whereas the philosophy of the Orangeburg County Extension Office is to assist the citizens of Orangeburg in identifying educational needs and to provide practical information and educational programs to meet those needs, and

Whereas the Orangeburg County Extension Office has identified a critical need for educational programs relative to storing and disposing of agricultural and household hazardous and other wastes, now therefore

Be it Resolved, that the Orangeburg City Council extend its heartfelt support of "Cleansweep Orangeburg County", the first agricultural/household hazardous waste collection day and educational program to be implemented in the State of South Carolina.

Be it Resolved, that the Orangeburg City Council directs that December 3, 1988 be designated as Cleansweep Orangeburg Day and the Orangeburg City Council directs that this resolution be known publicly to the citizens of Orangeburg.

POST OFFICE DRAWER 1206 • ORANGEBURG, SOUTH CAROLINA 29116 • TELEPHONE 803/534-6280

THE CLEMSON UNIVERSITY COOPERATIVE EXTENSION SERVICE OFFERS ITS PROGRAMS TO PEOPLE OF ALL AGES REGARDLESS OF RACE, COLOR, SEX, RELIGION, NATIONAL ORIGIN OR HANDICAP AND IS AN EQUAL OPPORTUNITY EMPLOYER

CLEMSON UNIVERSITY COOPERATING WITH U.S. DEPARTMENT OF AGRICULTURE, SOUTH CAROLINA COUNTIES' EXTENSION SERVICE, B.K. WEBB, DIRECTOR, CLEMSON, S.C.  
ISSUED IN FURTHERANCE OF COOPERATIVE EXTENSION WORK IN AGRICULTURE AND HOME ECONOMICS, ACTS OF MAY 8 AND JUNE 30, 1914

CITY COUNCIL MINUTES  
DECEMBER 6, 1988

403

A public hearing was held on rezoning A-1 Residential to Office-Institutional Apartments --W. W. Sutcliffe. Also, rezoning A-1 Residential to A-2 Residential--Henry A. Goodwin. City Administrator Smith read a description of both properties in question and the types of structures that could be located on them.

No one spoke in favor of rezoning of W. W. Sutcliffe's property.

Ms. Kitty Sligh, 2225 Broughton NW, spoke in opposition of this change. She wants it to remain A-1. She was concerned about the type structures that could be established--apartment complexes, day care facilities, etc. Said that they requested to come into the City because of the benefits that they would receive. She stated that they are numerous and he (Sutcliffe) is one.

Mr. Earl Carven, 132 South Circle, stated that in 1972 this same property came into question as pertaining to trailer parks. That is when they decided to come into the City. They came into the City because they wanted the protection of the zoning laws, etc. They've had that protection and they appreciate it. The boundary between residential and commercial is Broughton Street and wants to remain as is.

Mr. James Dempsey, 166 South Circle, wants this to remain as is. Thinks it's a wonderful neighborhood and wants it to remain.

Mr. Henry A. Goodwin spoke in favor of rezoning his property stating it's a two-story apartment and he wants to put an apartment downstairs. There are other apartments in the area and no one that he's talked to has any problems.

No one spoke against this change.

A motion by made by Councilmember Salley, seconded by Councilmember Frierson, to accept the recommendation of the planning and zoning commissions concerning the following properties:

1. A-1 Residential to Office-Institutional Apartments  
W. W. Sutcliffe--Recommendation was to deny
2. A-1 Residential to A-2 Residential  
Henry A. Goodwin--Recommendation was to approve

Therefore, a motion was made by Councilmember Salley, seconded by Mayor Pro Tem Boland, unanimously approved first reading of an ordinance to rezone the property owned by Goodwin.

A motion by Mayor Pro Tem Boland, seconded by Councilmember Keitt, unanimously approved the 11-15-88 City Council Minutes as amended to include the discussion concerning the hospital insurance.

A motion by Councilmember Frierson, seconded by Mayor Pendarvis, unanimously approved the second reading of the Airport Fixed Base Operator's Lease Ordinance which was recommended by the Aviation Commission. Attorney Walsh said that Ms. Rhudy would personally guarantee this lease even though the agreement would be in the name of a corporation. This was added to Frierson's motion.

Councilmember Haire wanted to know where the issue of an executive session stood. Mayor Pendarvis said that there was no motion on the floor for an executive session, but there would still be the option for an executive session at the next meeting.

Attorney Ladson Beach said that he had been contacted by several individuals concerning this matter since their attorney was hospitalized. Their attorney and a key individual who wants to address council were not able to be here tonight but want to be heard before the third reading. These individuals want to be sure that they will have a time to air their grievances.

ABB132

A motion was made by Mayor Pendarvis, seconded by Councilmember Parrott to approve the postponement of the third reading of the Airport Mechanic's Lease Ordinance until they (both ordinances) can be considered at the same time. Councilmember Salley opposed.

Concerning the grievance procedure, Councilmember Salley said that we have a grievance procedure that appears to be working and no one has presented any information to council that there are any problems. He stated that he felt that it was unnecessary to change it.

Mayor Pro Tem Boland stated, "...felt that everybody that worked for the City should be held to the same standards. I've heard that possibly Mr. Johnson holds his people to higher or tougher standard, that's more like a business. I would recommended that we also run the other side of the house in the same manner. That way everything's a business and should be run as a business. Everybody should be held to the same standard and that it would be equal treatment to everyone. That this policy gives all departments a chance to put their say in and if there's something that we don't agree with we always have the last word. And for moral and for equal treatment and for good business that we should hold everybody to the same standard..."

Councilmember Salley said, "I agree that everybody should be held to the same standard but lets get this side up to their standards rather than putting them together and maybe bringing that side down to this standard. Get this side up first then put them together..."

Mayor Pendarvis stated, "...we have two separate divisions in the City...The administrative part which is everything except the Department of Public Utilities is by nature and by intent political. It's not that the people who work for it aren't just as worthy or just as good or just as important, that's not the point."

He also stated that the administrative side of the City's function is to provide services with funds raised through taxes, licenses, etc. He stated that this side is political and that it would be disastrous to put politics into the business side (DPU).

He also stated that he felt that the people in the administrative part and the DPU portion would feel more comfortable and be more understood by being judged by their peers who know them and their work.

Mayor Pendarvis stated that the present grievance procedure is rarely used and that as far as he knows has no problems.

Councilmember Parrott called on DPU Manager, Johnson, to elaborate on the differences.

Johnson stated that the grievance committee is used as a last resort. He also stated that a large portion of the employees of DPU are professional by nature--6 engineers, 2 chemists, 2 biologists and quite a few other professions. Their (administrative) standards are different maybe because they are political type employees. He said it would be difficult for each division to judge the other. He realizes that DPU is part of the City.

He stated, "We are the only municipal in the state of South Carolina with a AA rating....I would hate to see something change just for sake of changing not unless there is a reason."

Councilmember Keitt stated that if the council is going to move forward that they are going to have to accept new changes. They should want to bring the standards up for all employees regardless of job title. She stated that we all work for the City of Orangeburg. We need to help other areas instead of downgrading anyone.



DPU Manager, Ted Johnson, presented three matters:

1. Motion by Councilmember Salley, seconded by Mayor Pro Tem Boland, unanimously approved a resolution to enter into an agreement with Southern Railway Company to construct and maintain an overhead wire line crossing the right of way at a point five hundred fifteen feet south of mile post SC-77. This authorizes the Mayor to sign the agreement.

2. Informed council that DPU has approximately \$1,000,000 set aside in customer deposits. He was proposing that a customer who has 24 consecutive months without being in arrears be refunded his deposit. He stated that the money will serve better in the hands of the people who need it. Approximately 10,175 customers meet the afore mentioned criteria. The 5,800 customers with deposits that meet the criteria would be refunded approximately \$296,000. This procedure would be run on a monthly basis to include everyone so that you could actually be in arrears one month and after that have 24 consecutive months without being in arrears and receive their refund.

Councilmember Keitt requested copies of this information.

Councilmember Haire stated that City Administrator Smith always sends an agenda and information in packet before the council meeting but yet Johnson just puts the information on their desk right before the meeting. He requested that council be sent DPU's information along with Smith's information.

Johnson stated that he had just received this particular information today. It had to come in after the audit.

Councilmember Keitt asked if they had looked at twelve months as opposed to twenty-four months.

Johnson said they did, but the charge-offs would be higher. This would eventually cause a rate increase.

Johnson discussed the problem of water being used out of hydrants for uses other than fighting fires. He proposed that DPU install a full fire flow service meter on hydrants. Water used to actually fight a fire will not be billed, other uses will be billed at 300%.

A motion by Councilmember Salley, seconded by Councilmember Parrott, unanimously approved the resolution concerning these two matters as changes to the General Terms and Conditions.

3. A motion by Councilmember Salley, seconded by Councilmember Parrott, unanimously approved the resolution to delete water rates and insert new rates. This will provide rates to be charged for use water through the detect-o-meter. There is no change in residential, commercial or industrial rates (inside or outside the city).

Councilmember Keitt stated that any matters pertaining to DPU be given to council before hand. She stated that she did not enjoy hearing Johnson read something without knowing what he was reading.

Councilmember Parrott liked the fact that DPU would give deposits back to customers that have been good customers. But, he was concerned about the persons facing cutoffs. This is the time of the year when you hear of persons burning to death and find that they did not have any utilities or way to heat. Wanted to know about a policy helping a person facing cutoff.

ABB132

Johnson said that there are about 3,500 - 4,000 per month that receive a final notice that they are in arrears. They cut off on some days as many as sixty (60) customers per day because they have not paid. He stated that if you talk to a person they would have a good reason as to why they did not pay the bill.

Johnson stated that the CCMO (Cooperative Church Ministry of Orangeburg) and the United Way are interested in participating in a program where certain funds could be donated through the billing system and turned over to the United Way. He emphasized that they do not have a firm commitment from anyone yet.

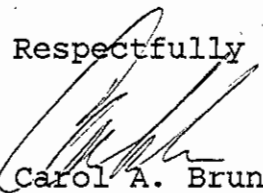
Mayor Pendarvis stated that he would like to pursue a program that allows people to tack onto the utility bill payment that would help the needy.

Johnson said that you have to be careful of mingling funds due to the restrictions imposed when rate hearings are held. They would have to design a computer program that will provide a clear audit trail.

A motion by Councilmember Keitt, seconded by Councilmember Parrott, approved entering into an executive session for legal briefing.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carol A. Brunson  
City Clerk

/r

*Orangeburg City Council held its regularly scheudled meeting on December 6, 1988, at 7:00 P.M., in City Hall Chambers with Mayor Pendarvis presiding.*

PRESENT: E. O. Pendarvis, Mayor  
Thomas A. Boland, Mayor Pro Tem  
Henry F. Frierson  
Bernard Haire  
L. Zimmerman Keitt  
Allen W. Parrott  
W. Everette Salley

Councilmember Frierson said that he did not believe that there was a difference in the standards or procedures but a difference in the makeup of the grievance committees.

Councilmember Haire stated that he did not see the need for the City to have more than one grievance committee.

Mayor Pro Tem Boland stated that he felt that both sides are political. The administrative side has professionals also. He felt that if you put everyone together from the highest to the lowest they they will all work together and will bring about a feeling of teamwork.

City Administrator Smith declined to comment.

A motion by Mayor Pro Tem Boland, seconded by Councilmember Haire, approved the resolution changing the grievance committee. Councilmember Frierson, Councilmember Salley, and Mayor Pendarvis opposed.

A motion by Councilmember Haire, seconded by Mayor Pendarvis, unanimously approved the first reading of an ordinance for sale of land located near Orangeburg Municipal Airport and abutting the Orangeburg County Industrial Park.

Attorney Walsh pointed out the initial building will be constructed on the county property. Part of the agreement is that Mosler must begin construction on the property within twelve (12) months--not necessarily on the City part. Nothing would prevent Mosler from building on the county property and perhaps selling off a back portion if they wanted. The City would have the option to repurchase the unimproved property if construction is not begun within twelve (12) months and completed within a reasonable length of time.

Mayor Pro Tem Boland wanted to know what would happen if they build a small building on the property and then two years down the line decide to sell it.

Attorney Walsh said the City would not have the option to buy it back. Walsh also pointed out that he was trying to keep the agreement in line with the county's.

Councilmember Salley pointed out that due to the location of the City portion that it would not be of use to anyone else.

Sherrill Hampton updated council on the rental rehabilitation program. When the city first applied the project included thirty-eight (38) units. The funds to be received at \$53,700 with the property owners matching brings the total project to \$107,400. The number of units had to be cut. Twenty-eight were looked at and just completed work write ups on those. We still may have to cut some more because some of the units require intensive work to bring them up to code. Some of the problems that will have to be corrected are erosion problems, indoor facilities, electrical, plumbing, heating, etc.

Ms. Hampton pointed out that these are 1987 funds and that 1988 funds will soon need to be applied for. There should be some administrative funds to help the City bear the cost of the program. It would not be a total start-up since the City would have an on going project.

Ms. Hampton stated that she is carefully checking potential contractors to be sure that the turn around time is in line.

ABB132

Ms. Hampton pointed out that handling grants is a full-time job and does not think that it can be properly handled in a piece meal fashion. You need to be sure that the person handling grants is proficient in what they do.

Mayor Pendarvis was concerned that he did not know if the City could secure enough grants to warrant a full-time position.

Ms. Hampton pointed out that the City is going to have to stay out there and apply and be innovative in the techniques that we use--put aside some funds. The City may have to look at having a local development corporation, etc. Look at your housing needs.

Councilmember Haire, seconded by Councilmember Keitt, unanimously approved to a continuing program of seeking funds to revitalize homes inside the City. This would include sending letters of intent whenever the City receives a RFP requesting such.

Ms. Hampton also pointed out that the Governor's Office also has some funds to be used for community development--rental or home owner. For community revitalization \$23,500,000 is available. The particular program (\$10,000,000) she was addressing could be used for individual home owner as well as rental. The letter of intent is due 1-10-89. She said the state has imposed an average \$12,000 rehab cost. The maximum amount that the City could apply for is \$350,000. A local match is required of 10% (\$35,000). This could be in the way of cash, in-kind or force account. The average rehab cost around the state is \$17,000 - \$20,000.

Ms. Hampton also mentioned the other projects available that were listed in her packet.

Councilmember Haire wanted to know if there were funds available to complete the Sunnyside Canal project.

City Administrator Smith said that was done by using Community Block Grant monies. The City was told never to come back again to ask for monies for the canal project. Some of that money was used for housing rehabilitation and to complete the Zimmerman Center. That was when the program was handled by the Federal Government. He said we have applied before but the per capita income in the areas where rehabilitation was needed was too high.

Smith pointed out that if the application is accepted that we will have to know where we are going to get the \$35,000.

A motion by Mayor Pro Tem Boland, seconded by Councilmember Parrott, unanimously approved to proceed with what ever is necessary to apply for CDBG.

Councilmember Haire had asked the City Attorney for information concerning putting restrictions on the use of bottle rockets. Walsh said we are limited to the extent as to which we can regulate fireworks. He said the most we could do would be to limit the use of fireworks in certain areas. He said that Department of Public Safety Director Brant said that this would not be practical as far as the areas to be used and the manpower to police it. Walsh said that the City cannot be more restrictive than the State.

Mayor Pendarvis said that Attorney Walsh would talk to other cities and see what their procedures are concerning regulating fireworks.

Attorney Walsh requested an executive session for legal briefing.

## RESOLUTION

WHEREAS, The City of Orangeburg has a desire that all employees should be informed as to the guidelines concerning employment with the City and,

WHEREAS, A Personnel Policy Manual has been prepared stating the policies which are ordinarily followed, and

WHEREAS, this Personnel Policy was adopted by the Orangeburg City Council on July 19, 1988, and

WHEREAS, it has been found that an amendment is needed to this Personnel Policy.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Orangeburg hereby adopts the following amendments to the Personnel Policy Manual.

### 1. Page 13, The Employee Grievance Committee

The section captioned "The Employee Grievance Committee" shall now read as follows:

"City Council shall appoint a Grievance Committee composed of nine (9) employees to serve for a term of three (3) years, except that the members appointed initially shall be appointed so that their terms will be staggered, and approximately one-third (1/3) of the terms shall expire each year. A member shall continue to serve after the expiration of his term until a successor is appointed. Any interim appointment to fill a vacancy for any cause prior to the completion of a member's term shall be for the unexpired term."

#### Initial Term

3 Years	Police
3 Years	Parks & Recreation/Hillcrest
2 Years	Public Works
1 Year	Fire
3 Years	Electric
2 Years	Wastewater/Gas/Garage
2 Years	Water
1 Year	Service/Administrative/Executive
1 Year	DPU Administration

Only one member from one of these departments can be on the Grievance Committee at any time.

Any member may be reappointed for succeeding terms at the discretion of the City Council. Members employed in the same department or division as the grieving employee and members having formed an opinion on the issues prior to the hearing, shall not participate in that employee's hearings.

### 2. Page 14, Line 3:

This sentence shall be changed to read: "A quorum shall consist of seven (7) members, and no hearings may be held without a quorum."

PASSED by the City Council of the City of Orangeburg, South Carolina, this 15th day of November, A.D., 1988.

\_\_\_\_\_  
MAYOR

*L. Zimmerman*  
*W. B. Burch*  
*James Haire*  
*Thomas A. Boland*

ATTEST:

*[Signature]*  
\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MEMBERS OF COUNCIL

R E S O L U T I O N

BE IT RESOLVED By the Mayor and Members of Council of the City of Orangeburg, South Carolina, in Council assembled, this sixth day of December A.D., 1988, and by authority of the same:

That the rates of the Department of Public Utilities of the City of Orangeburg pertaining to Water, as heretofore adopted, be, and the same are hereby repealed, and in lieu thereof, the Water Rates of the Department of Public Utilities of the City of Orangeburg, hereto attached, be, and they are hereby, declared effective and in full force on January 1, 1989 billings.

PASSED by the City Council, in Council assembled at Orangeburg, South Carolina, this sixth day of December, 1988.

Signed: \_\_\_\_\_

Mayor

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Members of Council

ATTEST: \_\_\_\_\_

City Clerk and Treasurer

Department of Public Utilities - Orangeburg, South Carolina

## WATER RATES

No. 1 - RESIDENTIAL AND COMMERCIAL (Code 4A = Residential)  
(Inside City Limits) (Code 4B = Commercial)

First	5,000 Cu. Ft. @ \$0.66 per 100 Cu. Ft. per month
Next	10,000 Cu. Ft. @ \$0.62 per 100 Cu. Ft. per month
Next	15,000 Cu. Ft. @ \$0.59 per 100 Cu. Ft. per month
All in excess of	30,000 Cu. Ft. @ \$0.46 per 100 Cu. Ft. per month

MINIMUMS :

For	3/4 inch tap	_____	\$ 3.75 per month
For	1 inch tap	_____	\$ 5.00 per month
For	1-1/2 inch tap	_____	\$ 7.50 per month
For	2 inch tap	_____	\$10.00 per month
For	3 inch tap	_____	\$15.00 per month
For	4 inch tap	_____	\$20.00 per month
For	6 inch tap	_____	\$30.00 per month

Note: "General Terms and Conditions" and "Rules and Regulations" in effect apply to above. See Paragraph 4, "Rules and Regulations" for discount on above.

Effective: January 1, 1989 Billing

WATER RATES

No. 2 - INDUSTRIAL (Inside City Limits) (Code 4C)

First	5,000 Cu. Ft. @ \$0.66 per 100 Cu. Ft. per month
Next	10,000 Cu. Ft. @ \$0.62 per 100 Cu. Ft. per month
Next	15,000 Cu. Ft. @ \$0.59 per 100 Cu. Ft. per month
All in excess of	30,000 Cu. Ft. @ \$0.46 per 100 Cu. Ft. per month

MINIMUMS:

For	3/4 inch tap	_____	\$ 3.75 per month
For	1 inch tap	_____	\$ 5.00 per month
For	1-1/2 inch tap	_____	\$ 7.50 per month
For	2 inch tap	_____	\$10.00 per month
For	3 inch tap	_____	\$15.00 per month
For	4 inch tap	_____	\$20.00 per month
For	6 inch tap	_____	\$30.00 per month

Note: "General Terms and Conditions" and "Rules and Regulations" in effect apply to above. See Paragraph 4, "Rules and Regulations" for discount on above.

Effective: January 1, 1989 Billing



WATER RATES

No. 3 - RESIDENTIAL AND COMMERCIAL (Code 4D = Residential)  
(Outside City Limits) (Code 4E = Commercial)

First	5,000 Cu. Ft. @ \$1.20 per 100 Cu. Ft. per month
Next	10,000 Cu. Ft. @ \$1.04 per 100 Cu. Ft. per month
Next	15,000 Cu. Ft. @ \$0.83 per 100 Cu. Ft. per month
All in excess of	30,000 Cu. Ft. @ \$0.71 per 100 Cu. Ft. per month

MINIMUMS:

For	3/4 inch tap	_____	\$ 6.85 per month
For	1 inch tap	_____	\$ 9.00 per month
For	1-1/2 inch tap	_____	\$13.75 per month
For	2 inch tap	_____	\$18.25 per month
For	3 inch tap	_____	\$27.00 per month
For	4 inch tap	_____	\$36.00 per month
For	6 inch tap	_____	\$55.00 per month

Note: "General Terms and Conditions" and "Rules and Regulations" in effect apply to above. See Paragraph 4, "Rules and Regulations" for discount on above.

Effective: January 1, 1989 Billing

Department of Public Utilities - Orangeburg, South Carolina

WATER RATES

No. 4 - INDUSTRIAL (Outside City Limits) (Code 4F)

First	5,000 Cu. Ft. @ \$1.00 per 100 Cu. Ft. per month
Next	10,000 Cu. Ft. @ \$0.85 per 100 Cu. Ft. per month
Next	15,000 Cu. Ft. @ \$0.69 per 100 Cu. Ft. per month
All in excess of	30,000 Cu. Ft. @ \$0.57 per 100 Cu. Ft. per month

MINIMUMS:

For	3/4 inch tap	_____	\$ 5.75 per month
For	1 inch tap	_____	\$ 7.50 per month
For	1-1/2 inch tap	_____	\$11.50 per month
For	2 inch tap	_____	\$15.00 per month
For	3 inch tap	_____	\$23.00 per month
For	4 inch tap	_____	\$30.00 per month
For	6 inch tap	_____	\$46.00 per month

Note: "General Terms and Conditions" and "Rules and Regulations" in effect apply to above. See Paragraph 4, "Rules and Regulations" for discount on above.

Effective: January 1, 1989 Billing

Department of Public Utilities - Orangeburg, South Carolina

WATER RATES

No. 5 - COMMERCIAL AND INDUSTRIAL DETECTO CHECK  
FIRE SERVICE OR FULL FLOW FIRE SERVICE  
(Inside City Limits) (Code 4G = Commercial)  
(Code 4H = Industrial)

SERVICE CHARGE:

For 4 inch tap	_____	\$ 4.00 per month
For 6 inch tap	_____	\$ 5.00 per month
For 8 inch tap	_____	\$10.00 per month
For 10 inch tap	_____	\$20.00 per month
For 12 inch tap	_____	\$30.00 per month

COMMODITY CHARGE:

First	5,000 Cu. Ft. @ \$1.98 per 100 Cu. Ft. per month
Next	10,000 Cu. Ft. @ \$1.86 per 100 Cu. Ft. per month
Next	15,000 Cu. Ft. @ \$1.77 per 100 Cu. Ft. per month
All in excess of	30,000 Cu. Ft. @ \$1.38 per 100 Cu. Ft. per month

MINIMUM:

The monthly minimum charge shall be the monthly service charge as stated above.

Note: "General Terms and Conditions" and "Rules and Regulations" in effect apply to above. See Paragraph 4, "Rules and Regulations" for discount on above.

Effective: January 1, 1989 Billing

WATER RATES

No. 6 - COMMERCIAL AND INDUSTRIAL DETECTO CHECK  
FIRE SERVICE OR FULL FLOW FIRE SERVICE  
(Outside City Limits) (Code 4I = Commercial)  
(Code 4J = Industrial)

SERVICE CHARGE:

For 4 inch tap	_____	\$ 8.00 per month
For 6 inch tap	_____	\$10.00 per month
For 8 inch tap	_____	\$20.00 per month
For 10 inch tap	_____	\$40.00 per month
For 12 inch tap	_____	\$50.00 per month

COMMODITY CHARGE:

First	5,000 Cu. Ft. @ \$3.00 per 100 Cu. Ft. per month
Next	10,000 Cu. Ft. @ \$2.64 per 100 Cu. Ft. per month
Next	15,000 Cu. Ft. @ \$2.07 per 100 Cu. Ft. per month
All in excess of	30,000 Cu. Ft. @ \$1.71 per 100 Cu. Ft. per month

MINIMUM:

The monthly minimum charge shall be the monthly service charge as stated above.

Note: "General Terms and Conditions" and "Rules and Regulations" in effect apply to above. See Paragraph 4, "Rules and Regulations" for discount on above.

Effective: January 1, 1989 Billing

Department of Public Utilities - Orangeburg, South Carolina

WATER RATES

No. 7 - COMMERCIAL, COMBINED DOMESTIC AND FULL FLOW FIRE SERVICE  
(Inside City Limits) (Code 4K)

SERVICE CHARGE:

For 4 inch tap	_____	\$ 4.00 per month
For 6 inch tap	_____	\$ 5.00 per month
For 8 inch tap	_____	\$10.00 per month
For 10 inch tap	_____	\$20.00 per month
For 12 inch tap	_____	\$30.00 per month

COMMODITY CHARGE:

First	5,000 Cu. Ft. @ \$0.66 per 100 Cu. Ft. per month
Next	10,000 Cu. Ft. @ \$0.62 per 100 Cu. Ft. per month
Next	15,000 Cu. Ft. @ \$0.59 per 100 Cu. Ft. per month
All in excess of	30,000 Cu. Ft. @ \$0.46 per 100 Cu. Ft. per month

MINIMUMS:

For 4 inch tap	_____	\$20.00 per month
For 6 inch tap	_____	\$30.00 per month
For 8 inch tap	_____	\$40.00 per month
For 10 inch tap	_____	\$50.00 per month
For 12 inch tap	_____	\$60.00 per month

Note: "General Terms and Conditions" and "Rules and Regulations" in effect apply to above. See Paragraph 4, "Rules and Regulations" for discount on above.

Effective: January 1, 1989 Billing

Department of Public Utilities - Orangeburg, South Carolina

WATER RATES

No. 8 - COMMERCIAL, COMBINED DOMESTIC AND FULL FLOW FIRE SERVICE  
(Outside City Limits ) (Code 4L)

SERVICE CHARGE:

For 4 inch tap	_____	\$ 8.00 per month
For 6 inch tap	_____	\$10.00 per month
For 8 inch tap	_____	\$20.00 per month
For 10 inch tap	_____	\$40.00 per month
For 12 inch tap	_____	\$50.00 per month

COMMODITY CHARGE:

First	5,000 Cu. Ft. @ \$1.20 per 100 Cu. Ft. per month
Next	10,000 Cu. Ft. @ \$1.04 per 100 Cu. Ft. per month
Next	15,000 Cu. Ft. @ \$0.83 per 100 Cu. Ft. per month
All in excess of	30,000 Cu. Ft. @ \$0.71 per 100 Cu. Ft. per month

MINIMUMS:

For 4 inch tap	_____	\$36.00 per month
For 6 inch tap	_____	\$55.00 per month
For 8 inch tap	_____	\$65.00 per month
For 10 inch tap	_____	\$75.00 per month
For 12 inch tap	_____	\$85.00 per month

Note: "General Terms and Conditions" and "Rules and Regulations" in effect apply to above. See Paragraph 4, "Rules and Regulations" for discount on above.

Effective: January 1, 1989 Billing

## R E S O L U T I O N

BE IT RESOLVED By the Mayor and Members of Council of the City of Orangeburg, in Council assembled, and by authority of same:

THAT the "GENERAL TERMS AND CONDITIONS" of the Department of Public Utilities of the City of Orangeburg, South Carolina, as heretofore adopted on November 18, 1986, be amended as follows:

Paragraph G-3-C of Section III: Amend Paragraph G-3-C of Section III of said "General Terms and Conditions" by inserting the following:

### Paragraph G-3-C

#### C. Fire Service Taps

##### 1. Existing Fire Service Taps

Fire service taps before January 1, 1989 are for fire protection only. The Department will install detector check valves with meter on all fire services made prior to January 1, 1989. This meter will be read each month and the customer billed as per the appropriate rate schedule. If this detector meter shows consumption for any four months in a twelve month period, the customer will be required to install at his expense, a full flow fire service meter.

##### 2. New Fire Service Taps

All new fire service taps after January 1, 1989 will require the installation of a full flow fire service meter. The customer will be required to purchase a fire service tap of the size he desires, to meet his fire protection requirements. This tap may be used for both fire protection and domestic service at the discretion of the Department. Water used to actually fight a fire will not be billed.

- a. All fire service taps connected to an anti-freeze (wet) system or one which has private hydrants will require a State approved double check backflow preventer supplied by the customer at his expense. Those fire services utilizing a standard alarm check (dry) system will not require a backflow device unless under unusual circumstances such a device is deemed necessary by the Department.
- b. The customer will be required to grant to the Department an easement adjacent to the property line at which the connection to the Department's water system is to be made, for the purpose of the meter installation including a vault to hold the meter and associated equipment. The meter and vault will be the property of the Department under its sole control. The backflow device, if required, shall be the property of the customer and the responsibility for its maintenance in accordance with the rules and

regulations of the South Carolina Department of Health and Environmental Control and the Department, shall remain with the customer.

3. Monthly Fire Service Availability Charge

A monthly fire service availability fee will be charged to each customer provided with fire protection. This charge will be in accordance with the rate schedule.

4. Fire Service Tap Fees Per Tap:

The cost of a fire service tap will be calculated by the Department for each individual case. The cost will include all materials and labor (including the meter and vault).

Paragraph C-2 of Section IV: Amend Paragraph C-2 of Section IV of said "General Terms and Conditions" by inserting the following:

Paragraph C-2

2. Deposits shall be returned when the customer completes twenty-four (24) consecutive payments without an arrears.

PASSED by the City Council, in Council assembled, at Orangeburg, South Carolina, this 6th day of December A. D., 1988.

E. O. J. [Signature]  
Mayor

[Signature]  
[Signature]  
[Signature]  
[Signature]

Members of Council

ATTEST:

[Signature]  
City Clerk and Treasurer



DEPARTMENT OF PUBLIC UTILITIES  
CHARGE-OFF PREDICTIONS FOR FISCAL YEAR 1987-88  
WITH NEW POLICY OF APPROVED REFUNDS OF DEPOSITS  
November 15, 1988

The Department proposes to begin refunding deposits to customers whose credit history is acceptable as per the Department's General Terms and Conditions. Presently the Department requests a standard deposit for each active service. This deposit remains with the Department until the service is terminated. In addition the Department requests from all customers new to our system an additional cash deposit of \$100.00 (or up to two months probable for nonresidential customers), a guarantor or an acceptable letter of credit from the customer's former electric supplier. Deposit monies in excess of the basic deposit are refundable after twelve consecutive payments without arrears.

In the proposed policy the Department would retain the customer's full deposit until the customer completes twenty-four consecutive payments without arrears. Upon the customer's request or by evaluation of Department records each month the Department would refund the customer. However, the customer may be required to reinstate or increase the deposit when the customer's payment record shows delinquent payment practice.

The intentions of the statistical analysis below is to provide a reliable prediction to the result of a change in the Department's deposit policy to the Department's yearly recorded bad debts (charge-offs).

Data Accumulated

The following information was accumulated from the Department's 1987-1988 charge-off records.

A. Average charged-off bill	\$194
B. Average charged-off deposit	\$ 62
C. Average charged-off bill less deposit	\$132
D. Number of customers charged off	690

The following data for this analysis was accumulated by random sampling of the Department's list of Final Bill Customers.

E. Total Number of Final Bills in One Year	2,800
F. Total Number of Final Bills in Test Sample	200
G. The percent of the sample which had a deposit	98%
H. The percent of the sample which would have had a deposit if the new policy were in place.	81%
I. The decrease in percentage with deposits due to the	

- new policy. 17%
- J. The percent of the sample which would have been refunded their deposit and left no unpaid bills. 16%
- K. The percent of the sample which would have been refunded their deposit and left unpaid bills. 1%
- L. Average final bill before deposit of customers who would have refunded their deposit. \$ 54

#### Estimate of Charge-Offs Under Proposed Policy

##### Maximum Loss

- M.  $17\% (I) \times 2800 (E) = 476$  Possible Final Bill Customers without a Deposit
- N.  $476 (M) \times \$54 (L) = \$25,704$

(Note: Technically the only loss the Department would suffer would be the dollar value of the refunded deposit. However, the average bill of these refunded customers is lower than the average deposit. Therefore, the lower amount of the bill, \$54, was used instead of the amount of the deposit.)

Best Estimate (Note: The Study showed that 50% of the customers who had a balance after deposits were applied did not pay the balance due.)

- O.  $\$25,704 (N) \times 50\% = \$12,852$

##### Minimum Loss

- P.  $1\% (K) \times 2800 (F) = 28$  Possible Final Bill Customer leaving unpaid bills
- Q.  $28 (P) \times \$54 (L) = \$1,512$

#### Number of Customers Refunded and Dollar Values of Refund

A program was run against the Department's history records to aid in determining the number of customers who would be refunded by the policy change. The program listed 10,175 customers who have paid twenty-four consecutive months without arrears. A sample of 200 customers from the list were tested. One Hundred fourteen or 57% had deposits totalling \$ 5,833.24. Therefore we estimate that 5800 customers would be refunded a total amount of \$296,786.00. The average deposit refund will be \$51.17.

$$114/200 = 57\% \quad 57\% \times 10,175 \text{ customers} = 5,800 \text{ customers to refund}$$

$$\$5,833.24 / 114 \text{ customers} = \text{Average refund of } \$51.17 \text{ per customer}$$

$$5,800 \text{ customers} \times \$51.17 \text{ per customer} = \text{Total Refund of } \$296,786.00$$

R E S O L U T I O N

BE IT RESOLVED By the Mayor and Members of Council of the City of Orangeburg, South Carolina, in Council assembled, and by authority of the same:

That the City of Orangeburg enter into an agreement with Southern Railway Company, a Virginia Corporation, whereby Southern Railway grants unto the City of Orangeburg, in so far as its title enables it so to do, a license to construct and maintain an overhead wire line crossing upon the right-of-way on property of the said Company at a point five hundred fifteen (515) feet South of Mile Post SC-77 North of Orangeburg, South Carolina, being that identified and located substantially as shown on annexed print of Drawing of Department of Public Utilities marked Exhibit A, dated May 17, 1988.

BE IT FURTHER RESOLVED that his Honor, Mayor E. O. Pendarvis, be, and he hereby is, authorized and directed to sign said agreement on behalf of the City of Orangeburg.

PASSED this 6th day of December, A.D., 1988.

Signed: \_\_\_\_\_

Mayor

*E. O. Pendarvis*  
*W. W. Smith*  
*W. Herbert Selley*  
*James Haire*  
*L. Zimmerman*

\_\_\_\_\_  
Members of Council

ATTEST:

*[Signature]*  
\_\_\_\_\_  
(City Clerk and Treasurer)

CITY COUNCIL MINUTES  
DECEMBER 20, 1988

409

Orangeburg City Council held its regularly scheduled meeting on December 20, 1988, at 7:00 P.M., in City Hall Chambers with Mayor Pendarvis presiding. An invocation was given by Councilmember Parrott.

PRESENT: E. O. Pendarvis, Mayor  
Thomas A. Boland, Mayor Pro Tem  
Henry F. Frierson  
Bernard Haire  
L. Zimmerman Keitt  
Allen W. Parrott  
W. Everette Salley

A motion by Councilmember Keitt, seconded by Councilmember Haire, unanimously approved the December 6, 1988 City Council Minutes as distributed.

A motion was made by Councilmember Frierson, seconded by Councilmember Haire to approve the recommendation of the Aviation Commission for third reading of the Airport Fixed Base Operator's Lease Ordinance.

Attorney Clyde Dean, representing some aircraft owners and pilots requested an executive session to discuss possible criminal misconduct and malfeasance on the part of the current fixed base operator, Pat Rhudy.

Attorney, Tom Bryant, representing Ms. Rhudy, said that Ms. Rhudy would prefer to discuss this matter in open session, but would follow council's wishes.

A motion by Councilmember Salley, seconded by Mayor Pro Tem Boland, approved entering into an executive session for the discussion of possible criminal misconduct. Councilmember Haire and Councilmember Frierson opposed. The Times and Democrat, represented by Tucker Lyon, protested this executive session.

When the meeting was reopened, a motion by Councilmember Frierson, seconded by Councilmember Keitt, unanimously approved entering into an executive session for legal advice.

When the meeting was open again, Mr. George Daniels of Cordova, voiced his opposition to the lease renewal. He complained about beer drinking by employees at the airport on weekends, improperly tied-down planes, lack of grass cutting, beer bottles in the parking area, lack of 24-hour security, employees not being there when they are suppose to be and inconsistency in fees. He felt that the lease had not been properly enforced.

Mr. Bill Covington, Orangeburg, complained about the condition he has found his plane in several times, no one being at the airport for advisory information, no one to pump fuel and employees asleep at the desk.

Mr. Dean ended with a statement that the Fixed Base Operator is a position of public trust. He wanted council to reconsider the Commission's recommendation.

Mr. Bryant stated that Ms. Rhudy has received much support and had people at the meeting for her support.

He said that maybe there have been communication problems. Ms. Rhudy needs to listen to the complaints. These customers need to let her know if they have problems. She cannot keep everyone happy, she will keep the majority happy. She has some fences to mend.

He also pointed out the Aviation Commission recommended the lease renewal. There were no dissenting votes.

ABB132

Ms. Rhudy said that she has not adjusted the fees since she took over the airport. They were adjusted when Harold Biggers operated the airport.

Mr. Wannamaker said that the new lease addresses lease charges by plane size. The charges would be approved by the city.

Ms. Rhudy said that she does not remember Mr. Covington ever coming to her with his complaints about his plane condition.

The lease was approved with the following amendments:

1. Include personal guarantee from Ms. Rhudy
2. Prohibit the sale of the corporation without the consent of council
3. Employees of the corporation be approved by council upon the recommendation of the Commission
4. Ms. Rhudy must be on the premises 40 hours per week
5. The three year lease will begin 10-01-88
6. The lease will be for one year subject to approval for an additional year after a public hearing held 90 days before the expiration of the one year lease

A motion by Councilmember Salley, seconded by Mayor Pro Tem Boland, unanimously agreed to enter into the agreement with the above mentioned amendments.

Mr. Dukes said that for nine months the Commission tried to talk to everyone and they heard more good than bad. The complainers have made the airport sound like a sloppy, unsafe operation. The Commission cannot do anything if the Commission does not know of any problems. Let them know immediately.

Mr. Dukes read excerpts from a letter of commendation from Jr. John Hamilton, Director of the South Carolina Aeronautics Commission.

Mr. Dukes informed council that they meet when necessary--at least once a month. They do post notices at the airport whenever a meeting is going to be held.

A motion by Councilmember Haire, seconded by Councilmember Keitt, unanimously approved the third reading of the Airport Mechanic's Lease Ordinance.

A motion by Mayor Pendarvis, seconded by Councilmember Salley, unanimously approved the second reading of an ordinance for sale of land located near Orangeburg Municipal Airport and abutting the Orangeburg County Industrial Park with the following provision that would allow the city the option to buy back the land if it was ever offered for sale. Therefore, the ordinance would be amended to coincide with Orangeburg County plus the FAA restrictions.

A motion by Councilmember Salley, seconded by Councilmember Frierson, unanimously approved the second reading of the ordinance to rezone one piece of property for Mr. Henry A. Goodwin from A-1 Residential to A-2 Residential.

Attorney Walsh stated that the purchase of a house on 901 Ellis NE has been withdrawn. But to clear this for future reference an attention home would not be permissible in A-1 or A-2.

Councilmember Haire expressed his concern that nothing further had been done as far as informing the Highway Department of the citizens' comments on the Boulevard traffic improvements.

CITY COUNCIL MINUTES  
DECEMBER 20, 1988  
PAGE 2

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5. The three year lease will begin 10-01-88
6. The lease will be for three years subject to cancellation after a public hearing held 90 days before the expiration of each anniversary.

A motion by Councilmember Salley, seconded by Mayor Pro Tem Boland, unanimously agreed to enter into the agreement with the above mentioned amendments. Councilmember Frierson opposed. The original call for third reading was then unanimously approved with the above amendments.

Mr. Dukes said that for nine months the Commission tried to talk to everyone and they heard more good than bad. The complainers have made the airport sound like a sloppy, unsafe operation. The Commission cannot do anything if the Commission does not know of any problems. Let them know immediately.

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Councilmember Haire expressed his concern that nothing further had been done as far as informing the Highway Department of the citizens' comments on the Boulevard traffic improvements.

City Administrator Smith informed Councilmember Haire that a letter had been sent under the Mayor's signature a couple of days after the public hearing was held on the matter.

Mayor Pro Tem Boland said to collect recommendations and forward them to Mr. Synder at the Highway Department and ask for their responses to council's recommendations.

A motion by Mayor Pendarvis, seconded by Councilmember Haire, unanimously approved the prohibition of parking on the west side of Watson NE from Russell NE to the entrance of South Carolina State College.

A motion by Councilmember Salley, seconded by Mayor Pendarvis, approved amendments to the master agreement with airport engineers, the LPA Group, Inc., to provide the following engineering services at the Orangeburg Municipal Airport. This includes authorization for City Administrator Smith to sign necessary papers. Amendment No. 7--Prepare an obstruction protection ordinance. Amendment No. 8--Install lights on the taxiway, obstruction lights at end of runway 4 and construct equipment vault for lighting equipment.

DPU Manager, Ted Johnson, brought no utility matters before council.

Councilmember Haire wanted some information on a letter from Public Safety Director Brant. This letter was written after he requested radio communication with DPU in emergency situations and was denied by DPU Manager Johnson.

Johnson said that he had denied this request because it might compromise the safety of the linemen. He stated that they had the unlisted number at one time but it had been abused with "my lights are out" calls.

Johnson said that he will put in a special line that will directly connect the Public Safety Dispatcher with the DPU dispatcher.

Brant wants a channel that he can call in on in an emergency.

Mayor Pro Tem Boland said he cannot believe that one part of the city cannot trust the other.

Councilmember Salley said that he does not believe that this is the case, but a matter of safety and radio security.

A motion by Mayor Pendarvis, seconded by Councilmember Salley, approved the establishing of a dedicated line from the Public Safety dispatcher to the DPU dispatcher at DPU's expense. Mayor Pro Tem Boland opposed.

Mayor Pro Tem Boland wanted to discuss putting a street light at the corner of Hillsboro and Riverside.

DPU Manager Johnson said that this would be the only street light outside the city limits that the city would be paying for.

Councilmember Keitt and Councilmember Frierson were concerned that they could be setting a precedent since that corner is outside the city limits.

ABB132

Council directed Mr. Earley and Mr. Smith to contact the Highway Department about putting some reflective materials at the intersection.

Council will also see about the possibility of annexing that area.

A motion by Councilmember Frierson, seconded by Councilmember Haire, unanimously approved entering into an executive session to consider Industrial prospects.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carol A. Brunson  
City Clerk

/r