

## CITY COUNCIL MINUTES

### JANUARY 4, 2005

Orangeburg City Council held its regularly scheduled City Council meeting on Tuesday, January 4, 2005, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. An invocation was given by Father Mike Polewczak of the Holy Trinity Catholic Church

#### **PRESENT:**

**Paul A. Miller, Mayor**  
**Charles B. Barnwell, Jr.**  
**Bernard Haire**  
**Charles W. Jernigan**  
**Sandra P. Knotts**  
**Trelvis A. Miller**  
**Joyce W. Rheney**

A motion was made by Councilmember Jernigan, seconded by Councilmember Rheney, to approve the December 7, 2004, City Council Minutes. This motion was unanimously approved.

A motion was made by Councilmember Rheney, seconded by Mayor Miller, to approve the Third Reading of an Ordinance to change Property from A-2 Residential Multi-Unit District to Office-Institutional-Residential District, property of Decania Dowling, Norman E. Dowling and Mary E. Watts.

Councilmember Jernigan asked, "Was this the house that is over 100 years old? Are they going to tear that house down?"

Mayor Miller stated, "It has been sold and I don't know what they were going to do about it."

Councilmember Jernigan asked, "If we rezone this, are they going to tear the house down?"

Mayor Miller stated, "I don't know who the new owners are?"

Councilmember Barnwell stated, "I am a little concerned about this lady over there."

Councilmember Jernigan stated, "I am concerned about tearing down some of these old houses, especially if they can be renovated and turned into some kind of office building instead of tearing it down. We tear down houses in Orangeburg all the time and before long all of the good houses will be torn down."

Mayor Miller stated, "You don't know that is what they are going to do?"

Councilmember Jernigan replied, "Chances are, that is probably what is going to happen. I would like to see it rezoned, but I don't know if there is anything that we can do about tearing it down."

Mayor Miller stated, "That whole area is almost all office-institutional, next door is a lawyers office, a doctors office on the corner, a rest-nursing home down the street and an insurance office on another corner. It is a commercial zone, not residential."

Assistant City Administrator Harley stated, the corner by Centre Street is business commercial. The three properties that are contiguous are not rezoned."

Councilmember Barnwell asked, "When were the others rezoned?"

Mayor Miller stated, "A long time ago."

Assistant City Administrator Harley stated, "What the Planning Commission recommended to you to consider were three lots, Mr. Dowling and Mr. Horger and there is another one. One indicated they thought it was already rezoned."

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Councilmember Jernigan stated, "I am in favor of rezoning, but I would like to see the house preserved."

This was a 3-4 vote, with Mayor Pro Tem Haire, Councilmembers Knotts, Barnwell and Miller opposing the motion, therefore the Ordinance did not pass.

A motion was made by Councilmember Barnwell, seconded by Councilmember Rheney, to approve the Second Reading of an Ordinance authorizing the mortgage of two and sixty-nine hundredths (2.69) acres, with buildings and other improvements thereon, in the principal sum of five hundred thousand (\$500,000) dollars. This motion was unanimously approved.

Mr. David Coleman, Orangeburg County Chamber of Commerce President, accepted a Proclamation for January Character Trait, "Honesty".

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to authorize City Administrator Yow to accept the \$500,000 Community Block Grant (CDBG) from the South Carolina Department of Commerce for Downtown Facade renovations. This motion was unanimously approved. Mr. Yow reminded Council that this grant pertained to an eight block area on or near Russell Street from Elmwood to Treadwell.

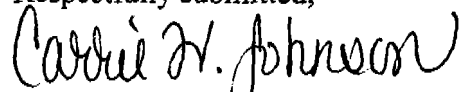
A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve a Resolution authorizing the execution and delivery of a Master Lease Agreement, Equipment Schedule and Escrow Agreement and related instruments and determining other matters in connection therewith. This motion was unanimously approved.

There were no utility matters brought before Council.

A motion was made by Councilmember Rheney, seconded by Mayor Pro Tem Haire, to adjourn.

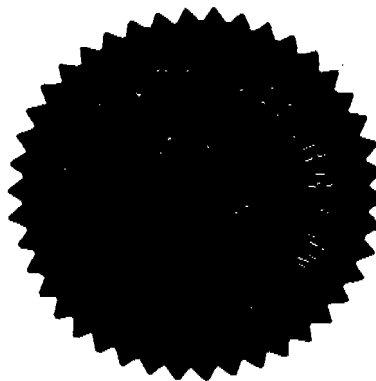
There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson  
Assistant City Clerk

/pfb



# CITY COUNCIL MINUTES

## JANUARY 18, 2005

Orangeburg City Council held its regularly scheduled City Council meeting on Tuesday, January 18, 2005, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. An invocation was given by Reverend Dr. Juenarrl Keith, pastor at Williams Chapel AME Church. 1583

**PRESENT:**

Paul A. Miller, Mayor  
Charles B. Barnwell, Jr.  
Bernard Haire  
Charles W. Jernigan  
Sandra P. Knotts  
Trelvis A. Miller  
Joyce W. Rheney

A motion was made by Councilmember Jernigan, seconded by Councilmember Barnwell, to approve the January 4, 2005, City Council Minutes, as corrected. This motion was unanimously approved.

Department of Public Utilities Manager Boatwright and Mayor Miller presented Mr. Ernest Thomas with a Retiree Resolution and gold watch for his twenty-three years, eleven months and twenty-three days of service to the Department of Public Utilities.

Mayor Miller removed himself from discussion or voting on the first item under Old Business on the agenda and turned the meeting over to Mayor Pro Tem Haire. City Administrator Yow advised Council that South Carolina Bank and Trust was the successful bidder on this and their name would be reflected in the Ordinance.

A motion was made by Councilmember Jernigan, seconded by Councilmember Rheney, to approve the Third Reading of an Ordinance authorizing the mortgage of two and sixty-nine hundredths (2.69) acres, with buildings and other improvements thereon, to South Carolina Bank and Trust in the principal sum of five hundred thousand (\$500,000) dollars. This was a 6-0-1 vote as Mayor Miller did not participate in the voting.

A motion was made by Mayor Miller, seconded by Councilmember Rheney, to appoint Randy Shuler, to the Hillcrest Golf Commission to fill the unexpired term of John M. Worley, Jr., who has resigned, due to a more demanding time schedule. This term will expire July 1, 2005. This motion was unanimously approved.

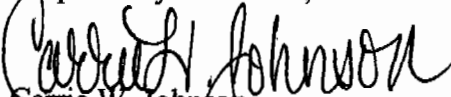
Mayor Pro Tem Haire recommended that Ms. Ellen L. Robinson fill the unexpired term of her father Harold Robinson, who has resigned after many faithful years of service to the City. This term will expire March 31, 2007. A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to accept Mayor Pro Tem Haire's recommendation. This motion was unanimously approved.

There were no utility matters brought before Council.

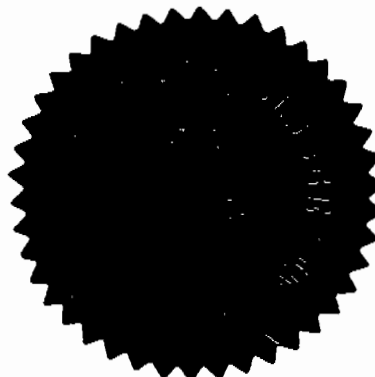
A motion was made by Councilmember Barnwell, seconded by Councilmember Miller, to enter into an Executive Session for a legal matter concerning the Administrative Department regarding a zoning matter and a personnel matter regarding the Department of Public Safety. This motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,

  
Carrie W. Johnson  
Assistant City Clerk

/pfb



## CITY COUNCIL MINUTES FEBRUARY 1, 2005

Orangeburg City Council held its regularly scheduled City Council meeting on Tuesday, February 1, 2005, at 7:00 P.M., with Mayor Pro Tem Haire presiding. An invocation was given by Councilmember Miller.

### PRESENT:

**Charles B. Barnwell, Jr.**

**Bernard Haire**

**Charles W. Jernigan**

**Sandra P. Knotts**

**Trelvis A. Miller**

**Joyce W. Rheney**

### ABSENT:

**Paul A. Miller**

A motion was made by Councilmember Rheney, seconded by Councilmember Barnwell, to approve the January 18, 2005, City Council Minutes as distributed. This motion was unanimously approved.

Mayor Pro Tem Haire presented to Mr. Jim Johnson, Board Member of the Orangeburg County Chamber of Commerce, a Proclamation for the February Character Trait, "Courtesy".

Mr. Buster Smith, Parks and Recreation Director, presented recommendations to Council from the City Accommodation Tax Advisory Committee. The recommendations are as follows:

Orangeburg County Fine Arts Center-Rose Festival	\$2,500.00
Downtown Orangeburg Revitalization Association (Self-guided brochures)	\$1,000.00
City of Orangeburg-Promotional brochures	\$2,800.00
City of Orangeburg-Promotion/Rose Festival	\$1,900.00
Balance in Account	\$ 50.00
<b>TOTAL</b>	<b>\$8,250.00</b>

A motion was made by Councilmember Jernigan, seconded by Councilmember Rheney, to accept the recommendations from the Accommodation Tax Advisory Committee. This motion was unanimously approved.

Councilmember Barnwell stated, "It was in the paper recently that the City and the Festival of Roses will no longer be affiliated with the Miss South Carolina pageant. Therefore, there is no longer any agency or board in Orangeburg for any young women who would like to participate in the Miss South Carolina pageant and I hate to see that. I understand that some of the figures quoted in the paper are incorrect, but I just think with Orangeburg being a Community of Character that we need to promote and give these ladies access or they will be going to Sumter or other places and they are from Orangeburg."

Parks and Recreation Director Smith stated, "We are certainly in support of the Miss South Carolina pageant or we would have never become involved in it. In the budget process this past year, I proposed that the operations of the pageants be taken out of the City budget, it was reflected in the approved budget."

City Administrator Yow stated, "In all fairness, I don't think we discussed that in our budget sessions with Council."

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Parks and Recreation Director Smith stated, "With that in mind, we transferred those activities to the South Carolina Festival of Roses account instead of operating within the City budget. Upon looking at the festival budget this past year, we operated at a deficit. We still will have the Queen of Roses and the scholarship dollars available, we will make it a residential requirement to participate in the pageant. Out of the last eight (8) years, five (5) of the young ladies were not from Orangeburg or from the County."

City Administrator Yow stated, "I think Council could vote on this Accommodation Tax matter tonight and if they want to revisit the pageant issue at another time in planning sessions next year or put it on the agenda at another time. As you said, there were a lot of things not in the newspaper that we need to discuss."

Council decided that they want to revisit this item in the planning sessions for the next year's budget.

Mayor Pro Tem Haire cited the recent Graniteville disaster that resulted in nine (9) deaths and many injuries when two trains collided and leaked deadly chlorine gas.

Mayor Pro Tem Haire stated, "It was really quite disturbing to me the damage and how inconvenienced the residents were, knowing the speed the train travels through Orangeburg and in the downtown area is less than 1 mile hour from that. The corrosion that may take place from chlorine would be devastating to Orangeburg residents in the vicinity--students and people who reside nearby. I have always contended that the speed is too fast going through Orangeburg. If that type of derailment would occur in Orangeburg, Norfolk Southern would not see the daylight anytime soon as it relates to lawsuits. I have heard Columbia having similar concerns as it relates to the speed of the train coming through Columbia. I wanted to propose that we form a coalition, with other cities, to have an influence as it relates to this issue. I fail to see as it comes to automobiles that speed kills and we can't see wherein speed on railroad tracks kills and is very destructive coming through the City at that rate. It now seems more disturbing that trains are coming through at high rates. I would ask that this Council direct the City Administrator to contact other cities to see what we can do as a unified group to have some impact on the train speed in Orangeburg."

City Administrator Yow stated, "Council has directed me previously several times to request reduced speeds from the Federal Railway Administration and Norfolk Southern. The Federal Railway Administration controls the train speed and not local ordinances. Mayor Miller and myself have met with U.S. Representatives Jim Clyburn and Joe Wilson, as well as spoken with Senator Lindsey Graham and we have secured funding in the Federal budget for a relocation and improvement study as to the railroads coming through Orangeburg. We have received a favorable reply from the SCDOT assuring us a seat at the table when these studies are done. I am sure that this will be contracted out and Council will be notified of this."

Mayor Pro Tem Haire asked City Administrator Yow, "We are looking at getting monies for a study; however, the train is barreling through the City. Is there any way to form a coalition with the other cities to get a study group to see if we can have an impact with a larger voice as it results to speed."

City Administrator Yow stated, "I can't answer that as it results to other cities, we can certainly put it out on the manager's list serve to see what the responses are; I think it is worth trying."

Mayor Pro Tem Haire asked if Council wanted to proceed with that. All were in agreement.

Department of Public Safety Director Davis presented Council with crime statistics for the City of Orangeburg.

Director Davis stated, "Using 2001 as a base year, the City crime rate is on a downward trend and I am very pleased with that. We have mechanisms in place to prevent violent crime. We have a reduction of 41% in violent crimes from 2003 to 2004 and a 22% decrease in overall crime. We are surprised also that our property crimes are decreasing also. Also, aggravated assaults went down. The decrease in aggravated assaults may be attributed to the zero tolerance policy in effect. In the

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area of violent crime, we had two areas that went up, which were homicide and arson. Homicide last year, two of the three were domestic related. The spouse definition in law has been changed, spouses were defined in a more broad sense, now it is a much tighter parameter.

The arson rate increased by 77%. The arson rate rose because the solve rate improved due to us having one person being dedicated to arson investigation. We also have an arson dog. One person accounted for five out of the nine arson cases in 2004.

The larcency rate dropped 20% from 814 cases to 651.

Looking at the overall crime index, we have a decrease of 22%. To look at the trend using 2001 as the base year, we do have a trend going downward. These are several factors attributing to this, the zero tolerance policy and a Criminal Domestic Violence Investigator.

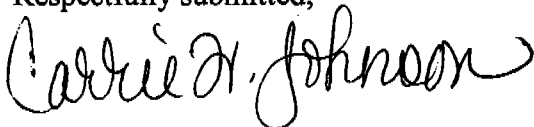
Council received, as information, draft copies of the proposed Natural Hazard Mitigation Plan to be brought back to Council, once FEMA has approved the final version for Council to approve. This will need to be approved in order for us to receive pre and post disaster assistance, in accordance with the Disaster Mitigation Act of 2000.

There were no matters relating to the Department of Public Utilities.

A motion was made by Councilmember Miller, seconded by Council Barnwell, to adjourn.

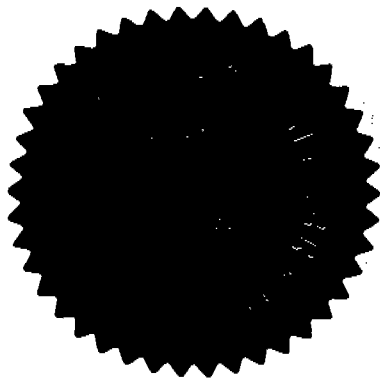
There being no further business, the meeting was adjourned.

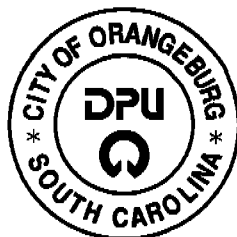
Respectfully submitted,



Carrie W. Johnson  
Assistant City Clerk

/pfb





## RESOLUTION

WHEREAS, Ernest Thomas, faithfully served the Department of Public Utilities of the City of Orangeburg for twenty-three years, eleven months and twenty-three days with a retirement date of December 31, 2004; and

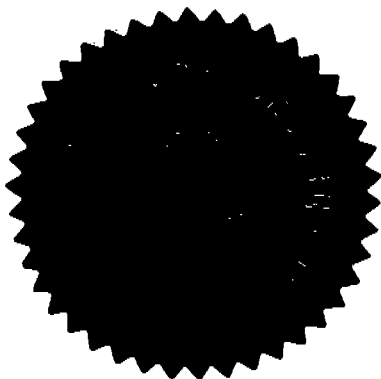
WHEREAS, he, through his long and faithful service contributed greatly to the successful operation of the Department of Public Utilities; and

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 recognize the faithful service rendered to the Department of Public Utilities in the capacities in which he served the Department and we take pride in commending him for a job well done.

BE IT FURTHER RESOLVED that a copy of this Resolution, in appreciation for his devotion of duty to the Department of Public Utilities, be placed in the Minute Book of the City and a copy furnished to Mr. Thomas in recognition of his services.

PASSED BY the City Council of the City of Orangeburg, State of South Carolina, this 18<sup>th</sup> day of January, 2005.



Sam G. Miller  
Mayor

Bernard Haire  
Robert D. Jones  
James D. Phares  
Charles S. Dumas  
Sandra L. Foster  
Charles A. Miller Sr.  
Members of Council

ATTEST:

Carol W. Johnson  
City Clerk



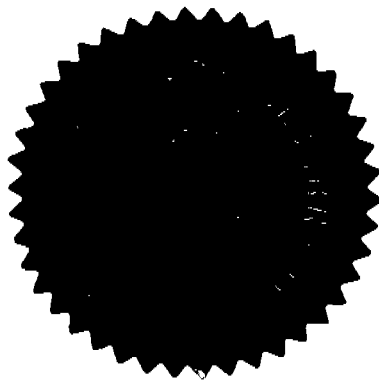
## RESOLUTION

### Adopt Natural Hazard Mitigation Plan

- WHEREAS,** Lower Savannah Council of Governments, in conjunction with the South Carolina Emergency Management Division and FEMA Region IV, gave final approval to the Orangeburg County Natural Hazard Mitigation Plan on February 9, 2005; and,
- WHEREAS,** it is essential to approve the Natural Hazard Mitigation Plan in order to be eligible to receive Fiscal Year 2005 Pre-Disaster Mitigation Funding; and,
- WHEREAS,** the Pre-Disaster Mitigation Program (PDM) will provide funds for pre-disaster mitigation planning and the implementation of cost-effective mitigation projects prior to a disaster event; and,
- WHEREAS,** funding these plans reduce overall risks to population and structures, while also reducing reliance on funding from actual disasters; and,
- WHEREAS,** we have found that the Natural Hazard Mitigation Plan does not conflict with the City of Orangeburg's existing Hazard Mitigation Plans; and
- WHEREAS,** it is essential for these plans to be adopted and in place in order for our community to be better prepared in the event of a natural hazard event.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL** of the City of Orangeburg, in Council duly assembled, hereby adopt the Natural Hazard Mitigation Plan as approved on February 9, 2005 by Lower Savannah Council of Governments, South Carolina Emergency Management Division and FEMA Region IV.

**PASSED BY** the City Council of the City of Orangeburg, South Carolina on this 15th day of February, 2005.



Attest:

*Carrie V. Johnson*  
Assistant City Clerk

*Paul G. Min*  
Mayor  
*Charles B. Bunkley*  
*James W. Pherey*

Council Members



## **CITY COUNCIL MINUTES FEBRUARY 15, 2005**

Orangeburg City Council held its regularly scheduled City Council meeting on Tuesday, February 15, 2005, at 7:00 P.M., with Mayor Miller presiding. An invocation was given by Councilmember Knotts.

### **PRESENT:**

**Paul A. Miller**  
**Charles B. Barnwell, Jr.**  
**Charles W. Jernigan**  
**Sandra P. Knotts**  
**Joyce W. Rheney**

### **ABSENT:**

**Bernard Haire**  
**Trelvis A. Miller**

A motion was made by Councilmember Barnwell, seconded by Councilmember Knotts, to approve the February 1, 2005, City Council Minutes as corrected. This was a 4-0-1 vote as Mayor Miller abstained.

City Administrator Yow presented to Council minor changes in the National Hazard Mitigation Plan from Lower Savannah Council of Governments and FEMA Region IV.

A motion was made by Councilmember Jernigan, seconded by Councilmember Barnwell, to approve a Resolution accepting the Natural Hazard Mitigation Plan. This motion was unanimously approved.

City Administrator Yow gave an update on forming a coalition with other South Carolina cities. Since last Council meeting, a notice was posted on the list serve with the Municipal Association of South Carolina asking any other interested cities about forming a coalition to deal with railroad safety in the communities. City Administrator Yow stated, "As of today, ten cities have responded and Howard Duvall, Executive Director of MASC has volunteered to coordinate a meeting in Columbia with all cities who are interested."

Councilmember Rheney stated, "I don't know how fast the train was going in Graniteville, but I read that they have slowed down in Graniteville now. We have requested that several times here, but I think they have sped up."

City Administrator Yow responded, "We have requested them to slow down several times. There is some legislation on the Federal level promoting railroad safety and this may be an opportunity for us to provide some input in that legislation."

Mayor Miller agreed that we needed to move forward with the group.

A motion was made by Mayor Miller, seconded by Councilmember Rheney to re-appoint Mr. D.D. Salley to serve another six year term on the Election Commission, with term expiring March 31, 2011. This motion was unanimously approved.

A motion was made by Councilmember Rheney, seconded by Mayor Miller to approve the amended recommendation to include the Chamber of Commerce's request from the Accommodations Tax Advisory Committee in the amount of \$5,950.00. This motion was unanimously approved.

City Administrator Yow gave Council a Budget Calendar for Fiscal Year 2005-06 for consideration in checking their calendars for tentative dates of meetings.

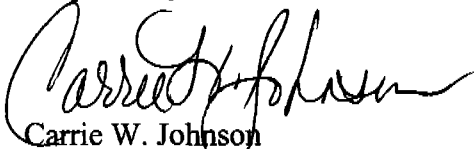
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There were no utility matters brought before Council.

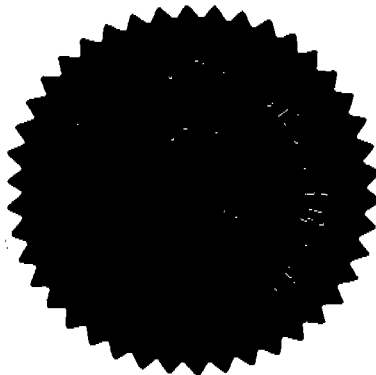
A motion was made by Councilmember Rheney, seconded by Councilmember Barnwell, to enter into an Executive Session for a legal matter concerning annexation and a contractual matter concerning annexation. This motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,

  
Carrie W. Johnson  
Assistant City Clerk

/pfb





**RESOLUTION**  
**AGREEMENT FOR STATEWIDE MUTUAL ASSISTANCE**  
**FOR CATASTROPHIC DISASTER RESPONSE AND RECOVERY**

**WHEREAS**, the South Carolina Constitution, Article VIII, Section 13, provides that any incorporated municipality or other political subdivision may agree with the State or with any other political subdivision for the joint administration of any function and exercise of powers and the sharing of costs thereof; and,

**WHEREAS**, the South Carolina Code of Laws, Section 25-1-450 requires that the state, county and municipal government shall cooperate in developing and maintaining a plan for mutual assistance in emergencies; and,

**WHEREAS**, the South Carolina Code of Laws, Section 6-11-1810, provides that any municipality or other emergency service entity may provide mutual aid assistance upon request from any other municipality or emergency service entity at the time of a significant incident event or disaster; and,

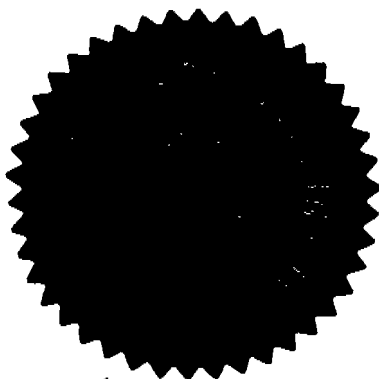
**WHEREAS**, this Agreement enhances the ability to effectively mitigate significant emergency events through mutual aid; and,

**WHEREAS**, this Agreement provides a structured framework, for requesting, coordinating, documenting and reporting mutual aid assistance; and,

**WHEREAS**, this Agreement is not an "Automatic Response" Mutual Aid Agreement allowing each participate to assess their own situation to determine availability of personnel, equipment and resources.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Members of Council of the City of Orangeburg, South Carolina, in Council duly assembled, that the City of Orangeburg enter into a State-wide Mutual Aid Agreement for Catastrophic Disaster Response and Recovery and that John H. Yow, City Administrator, be designated as the authorized representative of the City of Orangeburg.

**PASSED BY** the City Council of Orangeburg, South Carolina, on this 1<sup>st</sup> day of March, 2005.



**ATTEST:**

*Carrie H. Johnson*  
\_\_\_\_\_  
City Clerk

*Paula Miller*  
\_\_\_\_\_  
(Mayor)  
*James Haire*  
\_\_\_\_\_  
*Dennis L. Rutter*  
\_\_\_\_\_  
*Charles D. Brundage*  
\_\_\_\_\_  
*Julius A. Miller Sr.*  
\_\_\_\_\_  
*Charles D. Brundage*  
\_\_\_\_\_  
*James Haire*  
\_\_\_\_\_  
Council Members

## CITY COUNCIL MINUTES

### MARCH 1, 2005

Orangeburg City Council held its regularly scheduled City Council meeting on Tuesday, March 1, 2005, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. An invocation was given by Councilmember Rheney.

#### **PRESENT:**

Paul A. Miller, Mayor  
Charles B. Barnwell, Jr.  
Bernard Haire  
Charles W. Jernigan  
Sandra P. Knotts  
Trelvis A. Miller  
Joyce W. Rheney

Mayor Miller recognized some guests before the Council Meeting. A group of Romanian exchange teachers, who are working in the local public schools, came to greet the Mayor and Council. A Romanian representative wearing native dress, read remarks and explained that March 1st is the first day of Spring in Romania. They were escorted by local businessman, Don Eubanks.

Ms. Pat Rose appeared before Council to notify them of the efforts to establish an Arthur Rose Humanities and Cultural Arts Festival at the end of May in memory of her late father, Dr. Arthur Rose.

A motion was made by Councilmember Knotts, seconded by Councilmember Jernigan, to approve the February 15, 2005, City Council Minutes. This was a 4-0-2 vote as Mayor Pro Tem Haire and Councilmembers Miller abstained.

Ms. Lori Salley from C.C. McGregor and Company presented the audit for Fiscal Year 2003-04 for the year ending September 30, 2004. Mrs. Salley stated, "The City is continuing to be financially healthy. She highlighted that the General Fund balance increased by \$807,000.00 after deducting the BellSouth settlement, which is in line with the prior year. Assets of the Department of Public Utilities grew five percent; while at Hillcrest, revenues exceeded expenditures before depreciation by \$36,000. Overall, the City's net assets grew by eight percent."

Mayor Pro Tem Haire asked about the internal memo. City Administrator Yow stated the first time it was first put out as a Management Letter in error and should have been an internal memo.

Ms. Jane Carson with The Regional Medical Center accepted the Character Trait Proclamation, "Cooperation" for the month of March, 2005.

City Administrator Yow presented, for consideration, a Statewide Mutual Aid Agreement for Disaster Response and Recovery.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve a Resolution for the adoption of a State Mutual Aid Agreement. This motion was unanimously approved.

Parks and Recreation Director Buster Smith presented Council with a PARD Grant for \$19,000 of renovations to the Adden Street Park and Peasley Street Park. Funds are available in the Parks and Recreation budget for the local \$4,000 match. A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller to unanimously approve the acceptance of this PARD Grant Agreement and authorizing City Administrator Yow to execute the Grant Agreement.

City Administrator Yow stated that Councilmember Rheney asked that item #6, Vehicles parking on front lawns, be placed on the agenda.

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Councilmember Rheney stated, "I thought you were going to ask City Attorney Walsh to look into this, because I think something is already on the books in this regard. I think we had this come up on Ellis Street, as in regards to student parking, but I am not exactly sure what is there to take care of this in the City."

City Administrator Yow stated, "I know that some of the Councilmembers have been contacted and letters have been written on this issue. We do have a code section that addresses parking at group housing situations, but that is my only knowledge of existing language."

City Attorney Walsh stated, "We would have to make an amendment to the Ordinance."

Councilmember Rheney stated, "I think that this is something that needs to be aired, Orangeburg is known as the "Garden City" and you ride along streets and you see cars without up to date licenses and broken down vehicles. When there is available parking, they still pull in front on lawns. It is sort of unsightly, I would like to see this looked into."

City Administrator Yow asked Attorney Walsh if this was something that could be addressed in the zoning rewrite and after some discussion with Attorney Walsh, noted that this could take several months before Council could get a response from the Planning Commission. He stated some direction is needed in this matter and perhaps it could be discussed in Council's Planning Session.

Councilmember Rheney stated, "I think putting it on the Planning Session date would be good so that we could air our thoughts."

Councilmember Barnwell stated, "Today, I found out the City of Columbia has passed a similar Ordinance and perhaps we could look at their Ordinance."

City Administrator Yow stated that he has gotten a copy of that Ordinance today and would forward it to the Councilmembers.

Councilmember Rheney stated, "We should take into account when it is a funeral or party, this is for every day parking on the lawn."

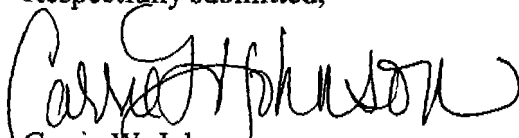
Councilmember Miller asked for clarification of "front lawn", he questioned whether a restriction would intrude on private property right of ways.

Concerning the Department of Public Utilities, a motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to appoint Dave Durgan of the Gas Division to the DPU Grievance Committee, a position left vacant by the death of Phillip Logan. This motion was unanimously approved.

A motion was made by Councilmember Jernigan, seconded by Councilmember Miller, to enter into an Executive Session for a personnel matter concerning the Department of Public Safety and a legal matter concerning Time Warner Cable Franchise. This motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,

  
Carrie W. Johnson  
Assistant City Clerk

/pfb



## CITY COUNCIL MINUTES

### March 15, 2005

Orangeburg City Council held its regularly scheduled City Council meeting on Tuesday, March 15, 2005, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. An invocation was given by Roger Brant, Director of the Service Department.

#### **PRESENT:**

**Paul A. Miller, Mayor**  
**Charles B. Barnwell, Jr.**  
**Bernard Haire**  
**Charles W. Jernigan**  
**Sandra P. Knotts**  
**Trelvis A. Miller**  
**Joyce W. Rheney**

A motion was made by Councilmember Rheney, seconded by Mayor Pro Tem Haire, to approve the March 1, 2005, City Council Minutes as distributed. This motion was unanimously approved.

Mayor Miller gave to City Administrator Yow a Proclamation on the American Red Cross.

Mayor Miller presented to Hal Johnson, Executive Director for Orangeburg County Development Commission, a Proclamation for his dedicated service to the City of Orangeburg and Orangeburg County. Mr. Johnson has accepted another position. Mayor Miller, DPU Director and other Council Members praised Mr. Johnson on his work with economic development and the Community of Character initiative.

Mrs. Darlene Smith of Mr. O's Bakery made an appearance before Council in regards to restrictions on temporary signs. Mrs. Smith stated that she has been informed that there is an Ordinance on the books for temporary signs since 1998, but it has not been enforced until the past three months. She stated information about the signs and what the Ordinance states about lineage and the type of signs. In the past, all of her signs have been grandfathered. Since then, she has been looking and researching to see what can be done to modify the Ordinance. She stated, "My problem with the Ordinance is that we have all this footage, we have a second business on our property, we have one sign for advertising. We came up with a mobile sign to change the letters on, low down next to the ground, near the permanent sign, I was then told we could not have this sign. We were then told that we could only have this sign up for 60 days within 6 months; otherwise, you will have to get rid of it. We did not know we couldn't have this sign as this Ordinance was never given to us in the past. Jackie Robinson did go before the Zoning Commission and asked for an extension and they said they couldn't do it. Through Mr. Nelson who is enforcing this, he did agree to give us an extra thirty day extension to see what we could do about a sign change. In the past thirty days, I have been talking to a lot of business people and I have been out on the street looking at these same signs that are out there, but the letters have been removed since the newspaper article regarding these type of signs. They didn't know that there could be a chance to change the law or Ordinance. My thought is, I would like to have the one in-ground sign, a second sign being allowed to business owners that could be termed a permanent mobile sign. I feel that this sign could be allowed by using the square footage on the front of the property. I had to go and get a deed on my property as I have 175 feet of frontage where we have this sign from the old Denny's. Ms. Tooky's has put their name there and underneath that, I have put advertising of my business. Mr. Nelson tells me the word permanent doesn't mean in the ground. It would mean we wouldn't have to go every six months and apply, it would mean that a piece of property could have one sign that is theirs. There are other businesses that have these signs. I have a list of thirty-five business people that are in full support of me in amending this Ordinance. I have asked Mr. Harley and Mr. Nelson on what to do and I have been given false information and have been going around in circles on what to do. I have been told I have to pay \$350 to get a hearing in front of you. I found out there is a variance, a week or two later. I have collected money from other business men that want to do this with me. At this point, I found out I don't have to pay money to talk to you because you are here for the good of the people and the business people of Orangeburg and we need your help. We need to be able to advertise our business on our own property. The mall

has many businesses, I don't think that every business should have one of these signs in front of the mall, maybe only one per property that could be shared. Jackie does have the option of building more on my sign; however, we are really strapped for money and that sign may be only a few hundred dollars to change but is an awfully hard burden for someone when we already have a sign that is usable. We would like to be able to get a sign of this type usable for businesses. One of the businessmen who is in the support of changing this Ordinance states, "This Ordinance makes it difficult to market out business appropriately and it is intrusive on our rights to do business. We do not need ten or twenty signs, but would like one sign that we can handle. On my particular sign up front, he would like to put another one in; however, I need to be happy with the sign before I put it on my property before it goes before the Commission. This sign is a good way to market our businesses. My problem is I have been getting stories like you can't go to the Zoning Board, we have been to the Zoning Board. Mr. Robinson was given a certified letter stating that the sign be taken down or he would be fined \$1,000 a day. No business man could do that and he was then told by Mr. Nelson that he would have to pay \$25.00 to go before the Zoning Board. Jackie went to pay this money and he went before the Zoning Board and those members stated we can't do nothing for you, we have no authority, why are you here? Mr. Nelson indicated that is what we had to do. They did get the thirty day extension and we are looking into changing our sign and I have also been looking into how to change the Ordinance. I have received a form on how to change the Ordinance but it doesn't tell me what to do with it or who to submit it to. I do have an attorney who is willing to help me write it up and I am looking to my businessmen in what they want in it, but who do I turn the form in to, is it City Council? I have been told that you have to go to a Planning Committee, Zoning Board and then to City Council. I need to know what I have to do and where do I go from here. We have had businessmen who have had great big signs like this up for five years and they have never been told they couldn't do it. Mr. Ott has Subway, Central Park and Buck's Pizza who uses a billboard type sign and he is very much in support of me. A lot of people are in support of this and what do I have to do, put restrictions on the square footage, give me the ability to have one more sign."

City Administrator Yow stated, "There is some confusion on whether you are asking for a variance or are you asking for the Ordinance to be amended? To amend the Zoning Ordinance, it cannot be done in one meeting, it has a process that has to be done with three readings and a Public Hearing."

Mrs. Smith stated, "I have never wanted a variance, I have asked that the Ordinance be looked at and studied and made more effective to the business people of the community."

Mayor Miller asked, "I don't know what you are talking about, a portable sign or a marque type sign that would be in front of your business?"

Mrs. Smith stated, "We all have marque type signs and that is based on the lineage footage, I have one. The fact that we need to change the wording on something, there are a lot of places that don't have those signs. There is a lady that runs a tax place on Summers, she has a beautiful portable lit sign and she found out it is only good for 60 days for six months. She is a tax lady, she needs it from December until April. That is four months instead of two months. We need to be able to accommodate these business people to communicate with the public."

Mayor Miller stated, "This is something that we will have to take under advisement and as City Administrator Yow stated, this is something that can't be decided on tonight. I will have someone get in touch with you and tell you what the correct procedures are as it relates to what you are asking. If you are talking about these portable signs, the Ordinance states 60 days in six months and I think that this is what is distasteful looking in the community. A marque sign, which restaurants have, and they are changed from time to time, and I don't know the specifications of those, but I think that is how you would communicate with your business on the marque type signs and that would allow you to make changes on the specials and I do think that this is something that needs to be taken under advisement."

Mrs. Smith stated, "Drive around town and see how many signs there are, some don't have letters on them because of the articles in the newspaper recently."

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City Administrator Yow stated, "Some people have been told many times that they could not have these signs over the last several years."

Mayor Miller stated, "Obviously there was a reason why this Ordinance was passed because someone saw a problem with that type of signage. From time to time, code enforcement gets enforced differently and Mr. Nelson is new and he is trying to do his job and that is just one of many things he is addressing. I will see that you get the correct information and it bothers me that you have gotten false information."

City Administrator Yow gave Council an update on the Railroad Safety Coalition and the meeting that was held at the Municipal Association of South Carolina on March 9<sup>th</sup>. Thirty-five people were in attendance from twenty-five cities. Another article was passed out to Council regarding railroad safety. City Administrator Yow stated, "The issue here with the speed of the trains was certainly identified. There were no representatives from the railroad. A future meeting is planned with the railroad officials to see if we can meet on some common ground."

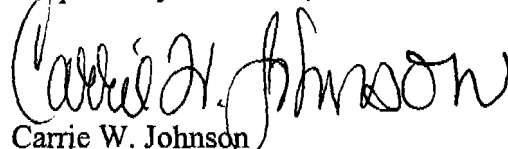
City Administrator Yow announced that the joint City Council/Planning Commission Meeting is scheduled for Tuesday, March 29, 2005, at 6:00 p.m. and this will be a workshop.

There were no Department of Public Utilities matters brought before Council.

A motion was made by Councilmember Knotts, seconded by Councilmember Miller, to adjourn. This motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson  
Assistant City Clerk

/pfb





## CITY COUNCIL MINUTES

### APRIL 5, 2005

Orangeburg City Council held a Public Hearing on Tuesday, April 5, 2005, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. The purpose of the Public Hearing was for Cable Service Franchise of Time Entertainment-Advance Newhouse, a New York general partnership, d/b/a Time Warner Cable.

An invocation was given by Councilmember Barnwell.

Mayor Miller opened the Public Hearing.

Mr. Greg Carson of 1182 Evergreen Circle addressed Council. "I am here to request that a government access channel be part of the Franchise Agreement between the City and Time Warner Cable. The government access channel could be used by City Council, County Council and the School District, which I am also An employee of. This could inform the public about what is going on within the entities. I could see where that could be an asset to the City of Orangeburg as it is to other cities around the state, including Myrtle Beach and Columbia. And in Richland I and Richland II cable television is used. I could see where the school district could utilize this without a lot of excess cost being put behind it because we are already set with the DELT Center and the equipment that is furnished to us from SCETV. I think that we have some equipment that is compatible and we could become a viable part of a government access channel. That is my request"

Councilmember Jernigan asked, "Would that be similar to CSPAN or how would that work?"

Mr. Carson replied, "It would work like school districts Richland I or Richland II television. Basically, what they do is they have a channel and what we are looking for is to put things out to people as to what is going on in the schools. Recently, we had a program where we recognized our eight silver and gold award winning schools. One of the things could have been done was videos to honor those schools."

Councilmember Jernigan asked, "Could it be school board meetings?"

Mr. Carson replied, "No, we are going to stay away from that."

Mayor Pro Tem Haire asked, "You would provide information to Time Warner?"

Mr. Carson replied, "Yes, what we would do is the same thing they do with the Boo Sheppard Show, where we could type in data for the lettering and we could do our own taping and studio. We could run semi-live programming."

Mayor Pro Tem asked, "Has the district ever asked for this from Time Warner and what was their response?"

Mr. Carson replied, "Yes, they were amenable to it but it would have had to be part of the Franchise Agreement, but they did offer it in the meantime, time on a channel that they use for local items."

Councilmember Miller stated, "I would like to commend you on the conception of the idea. How would you delegate the time as it relates to different entities as it relates to the same plight?"

Mr. Carson replied, "That would be something that we would have to come to the table on and come to terms with the County and the City and decide on how the time would be divided up."

Ms. Gwendolyn Gillis of 1805 Northwood Drive addressed Council. "I have a complaint. I am retired and I am a senior citizen, I retired in 1996. At that time, Jones Cable was the cable company. Basic Cable cost approximately \$21, today it is close to \$50. At this point, I feel that Time Warner

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needs competition. As senior citizens on a fixed income, I feel that it is an exorbitant amount to be paying. In the year 2003, Time Warner was pretty consistent with basic cable and in the year 2004, it started escalating and here we are in 2005, and here we are at \$50. I am opposed at giving Time Warner a contract for ten years and would like to see some competition."

Mayor Miller asked, "Where is Northwood Drive, is it in the City?"

Ms. Gillis replied, "It is in Northwood estates off of Highway 301."

Councilmember Miller asked, "You made reference to the increase of \$50. Is that for premium channels or is that for basic cable?"

Ms. Gillis replied, "It is for basic cable?"

Councilmember Miller stated, "Prices fluctuate, but I don't think that I pay that much for basic cable, but I agree with your argument."

Councilmember Barnwell asked, "Are you talking about channels 2-13?"

Ms. Gillis stated, "I am talking about basic cable, broadcast tier, cable tier."

Mayor Miller asked "Is there anyone else that would like to speak at the Public Hearing. If not, we will close the Public Hearing and go into our regularly scheduled City Council meeting."

**PRESENT:**

**Paul A. Miller, Mayor**  
**Charles B. Barnwell, Jr.**  
**Bernard Haire**  
**Charles W. Jernigan**  
**Sandara P. Knotts**  
**Trelvis A. Miller**  
**Joyce W. Rheney**

Chief Wendell Davis introduced his class on Managing Diversity at Claflin University.

A motion was made by Councilmember Jerigan, seconded by Councilmember Barnwell, to approve the March 15, 2005, City Council Minutes . This motion was unanimously approved.

Mayor Miller presented the Character Trait Proclamation for April 2005, "Responsibility" to local resident, Mr. Austin Cunningham.

A motion was made by Councilmember Jernigan, seconded by Councilmember Barnwell, to approve the first reading of an Ordinance to grant Cable TV Franchise to Time Warner, Inc., for a term of ten years beginning June 1, 2005 and ending May 31, 2015, including a government access channel and franchise fee at 5% of all gross revenues..

Mayor Pro tem Haire asked for clarification on the government access channel as it relates to what Ordinance.

Mayor Pro Tem Haire stated, "I have heard the rationale is it relates to how it is being provided and I do not agree with the number of years the Agreement is for. Personally, I do not feel that this company has been a good corporate citizen and to allow Time Warner the opportunity to have a Franchise for ten years without any kind of public input, other than citizens complaining, I think it will be bad for the citizens of Orangeburg. We have heard one person as it relates to the cost of basic cable, there seems to be some discrepancy as to what others pay. I think it is wrong to allow this company to have such a long period of time as it relates to this Franchise. I also agree with the lady who spoke as it relates to competition, where there is true competition, the citizens are not going to

**PAGE 3**

be taken for a ride. We see everyday, signs of competition that is not competition. I can point to the situation as it relates to the oil industry as it relates to gas today. I don't see competition when you go out one morning and everyone's price is the same thing. By allowing Time Warner this Franchise for ten years would be even more of a hardship of the citizenry of Orangeburg and I do not plan to vote for it."

This was a 4-1-2 vote, Mayor Pro Tem Haire opposed, Councilmembers Knotts and Miller abstained.

Chief Wendell Davis presented the US Department of Homeland Security Grant to Council.

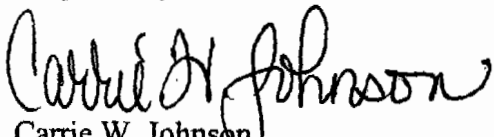
A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to accept the US Department of Homeland Security Grant and to authorize City Administrator Yow to execute the Grant. The Grant amount is \$370,827 and will require a 10% match from local funds in the amount of \$41,202. The purpose of the Grant is to protect the health and safety of the public and firefighting personnel against fire and fire-related hazards and for purpose of a UHF radio system that will effectively communicate on multiple emergency scenes and have the ability to conduct joint operations with multiple jurisdictions unhampered by communications delays. This motion was unanimously approved.

A motion was made by Councilmember Barnwell, seconded by Councilmember Rheney, to approve a Resolution to accept the low responsible bid from Foremost Pipeline Construction Company of Lexington, SC, for \$1,067,321.58 for construction of a 10-inch gas main along Homestead Road. This motion was unanimously approved.

A motion was made by Councilmember Barnwell, seconded by Councilmember Miller, to enter into an Executive Session for a personnel matter concerning the Municipal Court. This motion was unanimously approved.

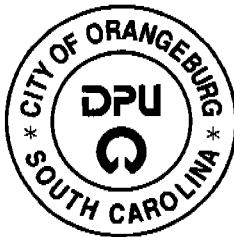
There being no further business, the meeting was adjourned.

Respectfully submitted,

  
Carrie W. Johnson  
Assistant City Clerk

/pfb





## **RESOLUTION**

**A RESOLUTION FOR THE CITY OF ORANGEBURG, DEPARTMENT OF PUBLIC UTILITIES TO ACCEPT THE LOW RESPONSIBLE BID BY FOREMOST PIPELINE CONSTRUCTION COMPANY OF LEXINGTON, SOUTH CAROLINA IN THE AMOUNT OF \$1,067,321.58 FOR THE CONSTRUCTION OF A 10" GAS MAIN ALONG HOMESTEAD ROAD**

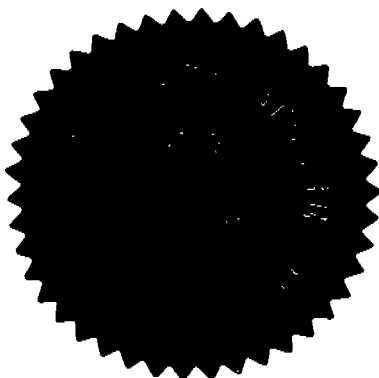
**WHEREAS**, the Department of Public Utilities of the City of Orangeburg, South Carolina, received bids on March 16, 2005 for the construction of a 10" Gas Main along Homestead Road; and

**WHEREAS**, the low responsible bid for this work was submitted by Foremost Pipeline Construction Company of Lexington, South Carolina in the amount of \$1,067,321.58; 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; and

**BE IT FURTHER RESOLVED**, that Fred H. Boatwright, 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.

**RESOLVED BY** City Council duly assembled this 5<sup>th</sup> day of April, 2005.



Paul A. Min  
MAYOR

Edward D. Haie  
London A. Knox  
Charles B. Samuel  
Julius A. Miller  
Chris Dugan  
Joseph W. Khene  
MEMBERS OF COUNCIL

ATTEST:

Carol H. Johnson  
CITY CLERK

## **CITY COUNCIL MINUTES**

### **APRIL 19, 2005**

Orangeburg City Council held two Public Hearings on Tuesday, April 19, 2005, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. The purpose of the Public Hearings were: (1) U.S. Department of Justice Assistance Grant for the Department of Public Safety, and (2) Changing the name of Maple Street, extending from the 500 Block of Maple to the 1200 Block of Maple Street.

**PRESENT:**

**Paul A. Miller, Mayor**  
**Chalres B. Barnwell, Jr.**  
**Bernard Haire**  
**Charles W. Jernigan**  
**Sandra P. Knotts**  
**Trelvis A. Miller**

**ABSENT:**

**Joyce W. Rheney**

An invocation was given by Councilmember Jernigan.

Department of Public Safety Director Wendell Davis explained the purpose of the U.S. Department of Justice Assistance Grant, which is to reduce crime and improve public safety and that the grant funds are going to be used for law enforcement equipment and furnishings for the department training room at the new headquarters and a community crime prevention program.

Mayor Miller asked for comments or if anyone would like to speak at the Public Hearing.

No comments were heard and the Public Hearing was closed.

Assistant City Administrator Warren Harley opened the Public Hearing concerning the requested name change of Maple Street, extending from the 500 Block of Maple to the 1200 Block of Maple Street. This request was submitted by the St. Paul Baptist Church in honor of Reverend H. T. Williams who served as pastor there for fifty years. He reported that the Planning Commission reviewed this matter and recommended to change the indicated block to Reverend H.T.W. Street, which was the second choice of the church. This would need to be done by Resolution.

Councilmember Miller asked, "You said that they are going with the second choice, the Reverend HTW Street and all of that would be placed on that sign?"

Assistant City Administrator Harley replied, "Yes."

Councilmember Miller stated, "That is pretty lengthy, what was wrong with the third choice?"

Assistant City Administrator Harley replied, "If you look at Mr. Young's letter from the County who is the Planning Director of Orangeburg County, the proposed name of H.T. Williams is a part of at least several Williams Streets that are located within the Orangeburg area.

Councilmember Miller commented, "What about the third choice, HTW Street?"

Mayor Miller stated, "That wouldn't have any reference to the preacher."

City Administrator Yow stated that the word(s), i.e, street could be abbreviated on the street signs because you don't want to get your letters so small that you can't read them."

Councilmember Knotts commented on the response from Mr. Young that the request may conflict with other Williams Streets, such as Williams Road. It is my opinion that if you name a street after

Reverend Williams, suppose someone does not know who Reverend HTW is. The reason for this choice was because of too many Williams Streets. Mr. Young said it may conflict, he didn't say that it would conflict."

Assistant City Administrator Harley stated, "Yes, because part of those names are used elsewhere in the County and the Williams part would be a conflict."

Councilmember Knotts asked, "If Reverend H.T. is in front of Williams, I am trying to see where the conflict is? You have made a distinction between the Williams Streets with H.T."

Assistant City Administrator Harley stated, "Partial names could hinder response time for fires in our fire district with similar street names. Quite often, people tend to use the last name of the street. People would not necessary say Reverend H.T. Williams Street, they may say Williams Street."

Councilmember Barnwell stated, "If you don't know Reverend Williams, the name HTW Street won't mean anything to anybody except for the congregation."

Councilmember Miller asked, "Is there not any other alternative, or other choices?"

Assistant City Administrator Harley stated, "Those were the three, I guess it is still up to Council to recommend or revert back to the first choice."

City Attorney Walsh stated, "No, that would have to go back to the Planning Commission."

Mayor Pro Tem Haire asked Chief Davis, "What kind of problem would choice #1 pose to your organization?"

Department of Public Safety Director Davis responded, "I can only speculate, the worst case scenario is that the dispatcher would refer to it as Williams Street and an officer, who is not thoroughly familiar with city streets, may look at it in a map book and may get Williams Street confused with the one that is being referred to."

Mayor Pro Tem Haire stated, "There is a Williams Street now and there are other Williams Streets?"

Assistant City Administrator Harley explained the other Williams Streets and what zip code area they were in.

Department of Public Safety Director Davis stated, "Again, having duplication of streets certainly could interfere down the road. In the near future, we could have our dispatchers familiar with the street names."

Councilmember Barnwell asked, "Suppose you use Henry Williams Boulevard?"

City Administrator Yow asked also, "What about Avenue?"

Mayor Miller asked, "What name did the congregation decide on, were these the three choices?"

Assistant City Administrator Harley stated, "Their first choice was H.T. Williams Street."

Mayor Pro Tem Haire asked, "What constitutes Boulevard vs. Street?"

Mayor Miller stated, "I don't think it means much of anything."

Mayor Miller asked, "In the event you have a fire, if someone calls in a fire, they aren't going to say Williams Boulevard, they are going to say Williams Street."

Department of Public Safety Director Davis stated, "Right, and if it comes through on E-911, the address will show on the screen based on the phone number you are calling from. It will indicate

Boulevard or Street. I don't foresee an extreme problem, in an emergency situation, there could be some issues."

Mayor Miller asked for any comments on this Public Hearing.

Ms. Ann Belton from Orangeburg addressed Council on behalf of the members of St. Paul Baptist Church concerning the street name change. "We really wanted our first choice, which is really his name. We are here to request the re-naming of this portion of the street. We could use his name Reverend H.T. Williams Boulevard or Avenue since we are trying to use his name."

Ms. Belton went on to explain Reverend Williams accomplishments in the City and County. She explained the businesses he has operated in the past and stated that he is known as a preacher, businessman, friend and mentor. She explained about his tenure and what he has done for the church and Orangeburg. She reiterated, we would like to have Williams in the street name even if it would have to say Boulevard or Avenue.

Mayor Miller asked, "If we send this back to the Planning Commission for the name change, am I hearing you say Reverend Williams Boulevard or Reverend Williams Avenue would be suitable with your congregation and drop the H.T.?"

Councilmember Miller brought up a valid point. He stated, "The street signs are only so big and I am not sure that the entire name would fit on a sign, I am sure it could be done. In my mind, what do you really want it to say?"

Ms. Belton responded, "We would like it to say, Reverend H.T. Williams and also abbreviate Street and Reverend, if that is possible."

Mayor Miller asked, "So you want the initials in there to identify him?"

Ms. Belton stated, "Yes."

Mayor Miller stated, "I think this is a great thing that you are trying to do and I personally think he has done a lot of good in Orangeburg and I think it is a good idea; I think we just need to get a right name not to confuse the E-911 people, not just in those seven blocks, but elsewhere."

Councilmember Miller stated, "I want to commend you on your church even upholding your minister and to put his name on a sign, for years people will remember the Reverend H.T. Williams and you have my full support."

Paul Robinson Sr., of 2196 Myers Road addressed Council. He stated, "I operated a business here for over 20 years on Russell Street, now I am located on Whittaker Parkway, known as the Professional Barber Shop. Truly, I can say if anyone in Orangeburg is worthy of this honor, he is one as he served for over fifty years as pastor of St. Paul Baptist Church. I have served under his administration from Trustee to Deacon and he inspired me to be a better individual or better Christian. He teaches his people that God is the way." Mr. Robinson further explained details of what Reverend Williams has done for him and the community as a whole. He stated, "I stand before you asking that you give your support for this proposal to have this street name changed to Reverend H.T. Williams Boulevard or Street."

Mr. Frank Best of Orangeburg addressed Council. He stated, "I want to speak on behalf of the Reverend H. T. Williams. I first met Reverend Williams in the Fall of 1998 at a funeral in his church. Reverend Williams said something that day that I will always remember. He said, You expect to find good people in good places, and that is what we had in that church, good people in a good place. My wife and I were there for the service eight years ago and I will always remember that truism. I have listened to the lady that preceded me and I would like to see also that Reverend or the abbreviation for it be used in the street name. I think it is important because he is a man of God and has done many great things for a long time in our community. I urge you to consider renaming the street, the Reverend H.T. Williams Street with the abbreviation of Reverend or Street."

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Mayor Miller asked if there was anyone else that would like to speak at the Public Hearing.

Hearing no other comments, the Public Hearing was closed and Council went into the regularly scheduled City Council meeting.

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to approve the April 5, 2005, City Council Minutes as corrected. This motion was unanimously approved.

Mr. Bud Tibshrary from Time Warner Cable addressed Council concerning the renewal of a Cable Franchise Agreement with the City of Orangeburg.

He stated, "I want to commend you on your efforts in beautifying downtown and with your streetscape efforts. We are still working on the franchise renewal and Attorney Walsh sent the Franchise Agreement with Time Warner to the home office. Our corporate attorney was out of town for almost two weeks when the City's document arrived. Once he was back, he reviewed the document and made some suggested changes where we need clarification. That has been sent back to Attorney Walsh and we would like to have the opportunity to sit down with Attorney Walsh, City Administrator, and members of Council to discuss these things so that they can be resolved before third and final reading, so that we have an Agreement that is mutually acceptable by both parties and we will do everything in our power not to drag our feet. That is not our intention. We have been working on this for a long time, it is time to get the show on the road and we need to discuss a number of things in the Agreement."

Mayor Miller responded, "I would say that right now it is in the hands of Attorney Walsh, he is the one that will handle it with your Corporate Counsel. I think we are out of it, as far as discussions. I think we are in the formal process, so any changes would be between Attorney Walsh and your Corporate Attorney."

Mr. Tibshrary responded, "This is why our Corporate Counsel sent the Agreement back to Attorney Walsh with the suggested changes with the areas that need to be clarified."

City Attorney Walsh stated, "It is my understanding that the City Administrator and myself will get back in touch with them to set up a meeting."

Councilmember Miller stated, "In the Agreement that was sent to your office, was it two weeks before you actually reviewed it?"

Mr. Tibshrary responded, "Our Corporate Counsel is the one that has to look at all legal documents and he was out of his office for at least ten days and when he came back, he immediately reviewed it and asked for my input and I gave him that and he then sent it to Attorney Walsh."

Councilmember Miller asked, "Have we not tried to contact you previously?"

Mr. Tibshrary responded, "Not where this Agreement is concerned, this Agreement came to us at our home office and he got on it as soon as he returned."

Councilmember Miller stated, "Let me tell you my problem with this. I see that the only reason you are talking to this body is because of a second reading and I think that is a lax job that you are portraying and I am not comfortable in anything that Time Warner has to offer because of the lax time you are taking. I think that this body, as well as the Administration and Staff, have been doing everything they can to communicate with Time Warner Cable and Mayor Pro Tem Haire made a good comment that is resonating right now, by not being a good corporate citizen."

Mr. Tibshrary responded, "Mr. Miller you are entitled to your opinion, I have to disagree with that about not being a good corporate citizen. I stated the sequence of events again as the Franchise Agreement is concerned and we acted on it as fast as we could. Our Corporate Counsel has to look at it, a request went to our home office, if he is not available, there is nothing I can do about it as I can't step in for him and we are moving on it. We want to get this over with so we can get on to more things."



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Mayor Pro Tem Haire asked, "Where is Corporate Headquarters?"

Mr. Tibshirany responded, "Stamford, Connecticut."

Mayor Pro Tem Haire asked, "Is there only one person who oversees Time Warner's concerns across the Board?"

Mr. Tibshirany responded, "There is one attorney in our corporate office who is working on this particular project, our Assistant General Counsel, and it is his responsibility to work on this, Mr. Gary Matz."

Mayor Pro Tem Haire asked, "Did you meet the first deadline under the formal process where an extension was given? This seems to me as if this is a case of big industry going to roll over a small city. From November 6, 2000, we notified Time Warner regarding the negotiations of new pole attachment agreements. On, November 21, 2001, received from Time Warner a rough draft concerning the pole agreement. This pole attachment wasn't solved until March 2004. What else am I to believe other than you are thumbing your noses up at us?"

Mr. Tibshirany responded, "We don't treat the City of Orangeburg any different, or with less attention, than any other community. We operate in seventy-one (71) other communities and we have invested millions of dollars in this community with our fiber optic system upgrades. I can assure you we wouldn't do that if we didn't have high regard for this community and our customers of this community."

Mayor Pro Tem Haire asked, "Is it high regard for the money that the new technology brings in rather than the citizens? I feel that from November of 2000 until March 2004, is too long."

Mr. Tibshirany responded, "I know that there negotiations going on, I don't recall specifically every step of the way; I was not involved in the negotiations in the pole attachment. It was at a stage and we extended agreements, not only with you, but other utilities because it took a long time to get to this point and we are pleased with the Agreement that we have with the City. I am confident we can resolve these issues with the Franchise Agreement once we have the opportunity to submit our comments and we will act on it very swiftly as soon as Attorney Walsh contacts us about a meeting, we will meet and get this under way."

Again, I will have to disagree with you about not being a good corporate citizen, we fund a scholarship to Claflin University, we give free cable to the schools. Under the current Agreement that we are negotiating, there is a government access channel. We give computers to the Boys and Girls Clubs, high speed internet service, so we take issue when you say we are not a good corporate citizen. We do as much in this community as we do in most communities in which we operate.

Mayor Pro Tem Haire responded, "Basically, the basic tier, at which the City has no control over, you are not raising rates on basic tier, but on cable tier you raise the rates. Will you tell me in dollars who pays and how much the citizens are paying for the increased rates every year?"

Mr. Tibshirany responded, "We don't charge for the community service we provide, the free cable, computers."

Mayor Pro Tem Haire stated, "You can afford that based on the increased rates the citizens are paying for each year."

Mr. Tibshirany stated, "We would do that even if our rates were increasingly lower because we have always done that in the community. The cable tier, which is our expanded basic service, that is where our expanded satellite or cable programming channels are located where we have to deal with all the programming companies. That is very expensive. The end of the contract period, they raised the prices to us. We have no choice but to pass the cost on to our customers. ESPN, for example, is one of the most expensive networks that we carry, they know we are not in a power negotiating position. They know when they raise their rates to us, NFL and professional sports translates down to the customer. They know we aren't going to say to them, if you don't lower your rates, we are

going to take you off of our cable. This is the same thing with the Discovery Channel, A&E, and others, if we took those off of our lineup, we'd have a revolution on our hands by our customers. The most expensive part of our business is the programming, that is our fuel."

Mayor Pro Tem Haire asked, "What would happen if you took ESPN off other than the citizen complaints? What else would happen since there is no competition?"

Mr. Tibshirany replied, "There is competition. Satellite services is our main competition. They not only offer network services but also local stations and they have taken a great deal of cable customers away in the last five years. Statistics prove that, we spend a lot of money upgrading our services, internet, etc., that would not ordinarily be available in that community, so it is a very costly business.

Mayor ProTem Haire asked, "Is a telecommunication fee being paid on telephone services offered through Time Warner?"

Mr. Tibshirany stated, "No, it is not at this time, the FCC is looking at that now, it is not considered yet a cable service, whatever the FCC decides, we will certainly comply with and that is similar to modem services."

Councilmember Barnwell asked, "My concern is that last year in April, when the initial franchise was to expire, we entered in a Standstill Agreement, still under the informal process at that time as I recall, now we are in the formal process since we are requesting a Time Warner Franchise Agreement from Time Warner and it never came."

Mr. Tibshirany stated, "I think there may have been some confusion. A Standstill Agreement extends the franchise for one year so that the City can evaluate the performance and so forth. Early on, we submitted a proposal, including a Standstill Agreement where they may have been some confusion. We thought we were doing what was right. We then received this Agreement from Mr. Walsh and that is where we are now."

Councilmember Barnwell asked, "Wasn't the purpose of the Standstill Agreement to give the City and Time Warner the time to study this and the only thing that prompted this was the first reading and the contract we sent to you."

Mr. Tibshirany responded, "Our interpretation of the Standstill Agreement was to extend the franchise and to give the City the opportunity to evaluate the performance. To be honest with you, 99% of our Agreements are negotiated under the informal process, in most cases after six months we negotiate the Agreement. It is a matter of two parties sitting down and working out the Agreement."

Councilmember Barnwell asked, "Why didn't we do that six months ago?"

Mr. Tibshirany stated, "I don't know."

Mayor Miller stated, "As I view it, we have had first reading and your attorney received what Mr. Walsh sent and he has since then sent something back to Attorney Walsh. It would then be up to Attorney Walsh and City Administrator Yow to communicate with Mr. Matz to come up with something, or some kind of Agreement. At that point, we would then be back here for final reading."

Councilmember Barnwell asked about the third reading. Mayor Miller stated that the third reading would be held May 3rd. Mayor Miller stated, "The Agreement can be changed by the time it gets to third reading."

Mr. Tibshirany stated, "I am sure you know that Council can extend the Franchise again. That is not uncommon where we negotiate contract renewals with other communities. We have had some extend six or seven times and then go month to month."

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Councilmember Jernigan asked, "What kind of time period are you looking at with the meeting and the Agreement?"

City Attorney Walsh stated, "We will meet next week."

Mr. Tibsharny stated, "We will work hard at trying to get this resolved, it is impossible to try to tell you how long it will take."

Councilmember Jernigan stated, "The third reading will be in May, will you be prepared for third reading?"

Mayor Miller asked about third reading and City Attorney Walsh stated, "we could postpone third reading."

Councilmember Jernigan stated, "I would not like this to be what Mayor Pro Tem Haire was speaking about that took years to get done."

Mr. Tibsharny responded, "That is not our intention."

City Attorney Walsh asked, "We are under the formal process, you understand that?"

Mr. Tibsharny responded, "Very well."

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to approve the Second Reading of an Ordinance granting a cable service franchise to Time Warner Entertainment-Advance Newhouse, a New York General partnership D/B/A/ Time Warner Cable, for a term of ten (10) years beginning June 1, 2005, and expiring May 31, 2015. This was a 4-1-1 vote. Mayor Pro Tem Haire opposed and Councilmember Knotts abstained.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell to send the renaming of Maple Steet back to the Planning Commission for the appropriate street name change for Reverend H.T. Williams, Boulevard, Avenue or Street. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to accept the U.S. Department of Justice Assistance Grant for a wide variety of law enforcement purposes as outlined in a previous Public Hearing by Chief Davis. This motion was unanimously approved.

City Administrator Yow gave Council an overview of the bids for the internal audit for the City and Department of Public Utilities. The City/DPU received bids for four years but it was the recommendation of Mr. Yow and Mr. Boatwright to award the contract for one year to the low bidder, Murdaugh and Associates, in the amount of \$29,875. It could be extended for the remaining three years if acceptable by both parties.

Mayor Pro Tem Haire asked, "The costs that were given for the remaining years would still be the same?"

City Administrator Yow stated, "Yes, if it is mutually agreeable. If they wanted to negotiate a higher rate, we would have to put it out for bid again."

Councilmember Barnwell asked, "How many partners or employees do they have?"

City Administrator Yow stated, "Two full time partners and I do not know of any part-time."

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Jernigan, to approve the contract for the City/DPU audit to Murdaugh and Associates for Fiscal Year 2004-05.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Knotts, to approve a Resolution to accept the low responsible bid by CB&I Constructors, Inc., of Alpharetta, GA, in the

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amount of \$1,821,000 for the construction of a one-million gallon elevated water tank to be located in the Orangeburg County/City Industrial Park. This motion was unanimously approved.

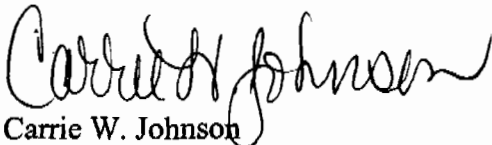
A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to enter into an Executive Session for a personnel matter concerning the Department of Public Utilities/Water Division.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Knotts to uphold the March 31, 2005, recommendation of DPU Grievance Committee for termination of employee.

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to adjourn. This motion was unanimously approved.

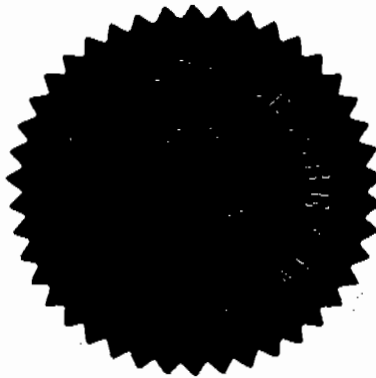
There being no further business, the meeting was adjourned.

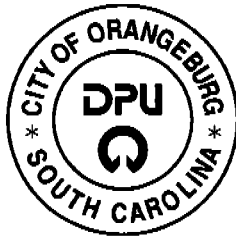
Respectfully submitted,



Carrie W. Johnson  
Assistant City Clerk

/pfb





## **RESOLUTION**

**A RESOLUTION FOR THE CITY OF ORANGEBURG, DEPARTMENT OF PUBLIC UTILITIES TO ACCEPT THE LOW RESPONSIBLE BID BY CB&I CONSTRUCTORS, INC. OF ALPHARETTA, GEORGIA IN THE AMOUNT OF \$1,821,000 FOR THE CONSTRUCTION OF A 1-MILLION GALLON ELEVATED WATER TANK TO BE LOCATED IN THE ORANGEBURG COUNTY/CITY INDUSTRIAL PARK**

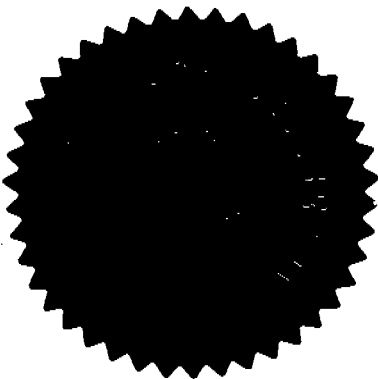
**WHEREAS**, the Department of Public Utilities of the City of Orangeburg, South Carolina, received bids on March 30, 2005 for the construction of a 1-Million Gallon Elevated Water Tank to be located in the Orangeburg County/City Industrial Park; and

**WHEREAS**, the low responsible bid for this work was submitted by CB&I Constructors, Inc. of Alpharetta, Georgia in the amount of \$1,821,000; 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; and

**BE IT FURTHER RESOLVED**, that Fred H. Boatwright, 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.

**RESOLVED BY** City Council duly assembled this 19<sup>th</sup> day of April, 2005.



Paul G. Miller  
MAYOR

Thomas Haire  
Andrea R. Potts  
Charles B. Bawell  
Charles A. Miller Sr.  
Chris Dugan

MEMBERS OF COUNCIL

ATTEST:

Carrie W. Johnson  
CITY CLERK

## **CITY COUNCIL MINUTES MAY 3, 2005**

Orangeburg City Council held its regularly scheduled meeting on Tuesday, May 3, 2005, at 7:00 P.M., in Council Chambers with Mayor Miller residing. An invocation was given by Roger Brant, Director of the Service Department.

**PRESENT:**

**Paul A. Miller, Mayor**  
**Charles B. Barnwell, Jr.**  
**Bernard Haire**  
**Charles W. Jernigan**  
**Sandra P. Knotts**  
**Trelvis A. Miller**  
**Joyce W. Rheney**

A motion was made by Councilmember Jernigan, seconded by Councilmember Miller, to approve the April 19, 2005, City Council Minutes as distributed. This was a 6-0-1 vote as Councilmember Rheney abstained as she was not present at the meeting.

Mayor Miller presented to Ms. Bernice Tribble, the "Order of the Silver Crescent" from Governor Mark Sanford.

City Attorney Walsh gave a report on the Time Warner Franchise Renewal and the meeting held between the City Attorney, City Administrator and Time Warner. City Attorney Walsh stated, "Third Reading of the Time Warner Franchise renewal has been postponed because of ongoing negotiations. A meeting was held last week and progress was made. Another meeting is scheduled for the 16<sup>th</sup>, and a Third Reading could be ready by the end of the month, when the franchise expires. Most probably Council would need to hold a special meeting or extend the franchise another month."

Council held discussion on the final Budget Calendar for Fiscal Year 2005-06. City Administrator Yow is to work on dates for Council Budget Workshops to try to accommodate all members.

Mr. David Coleman, President of Orangeburg County Chamber of Commerce, accepted the Character Trait Proclamation for May 2005, "Forgiveness".

Mr. Durwood Bowden, Public Works Director, gave a report on the recent streetscape project progress. Council was informed the next block worked would be Russell to Windsor. After the New Year, work will continue down Russell to existing streetscape.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to request the SC Department of Transportation to conduct a feasibility study for traffic signal at Windsor Street and John C. Calhoun Drive. This motion was unanimously approved.

Mayor Pro Tem Haire asked about St. Paul Church moving and the possibility of a traffic light at Maple Street instead.

DPU Manager Boatwright addressed Council concerning the recent spill at the Water Plant in Orangeburg. He stated, "The accidental discharge of sodium hydroxide from the water plant began around midnight on Friday, April 29<sup>th</sup>. The night shift operator at the water plant during the course of his routine inventory of the plant chemicals noticed that the level in the day tank for the sodium hydroxide was low. He turned on the pump, which pumps (the chemical) from the bulk tank into the day tank, left the site and forget the pump was running. The pump continued to run until the bulk tank was empty. The day tank overflowed, spilling (the chemical) into a pipe chase and eventually

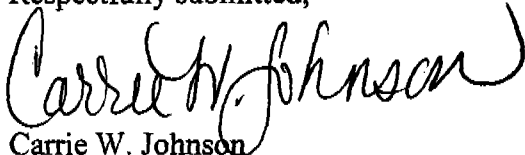
## PAGE 2

it found its way into a storm drain and into the river. Estimating that it took approximately 5 ½ hours for the bulk tank to be emptied, this would have been around 5:30 A.M. to 6:00 A.M. All of this went undetected until the plant superintendent discovered the situation at approximately 3:00 P.M. It is important to note that DPU personnel at the Wastewater Plant, some miles down stream, were the first to report to the SC Department of Health and Environmental Control, a high pH and dead fish condition in the river. Secondly, DPU reported to DHEC and the Times and Democrat the cause of the situation as soon as we had confirmation that this was indeed the cause of the problems in the river. This was approximately 4:00 P.M. The short-term corrective action, was to plug the connection between the pipe chase and the drain with concrete. Long term, construction is already under way at the plant on previously designed and permitted containment for the entire volume of the sodium hydroxide tanks. We met with DHEC and Natural Resources officials and gave them a report on all that we knew about the matter. We will continue to cooperate with all regulatory and other parties with interests in the matter to resolve it and to ensure that it will not happen again. It was a very unfortunate event and I hope we're never be faced with that again."

A motion was made by Councilmember Barnwell, seconded by Councilmember Miller, to enter into an Executive Session for a personnel matter concerning the Municipal Court. This motion was unanimously approved.

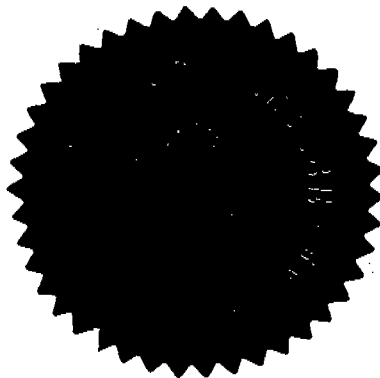
There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson  
Assistant City Clerk

/pfb



**CITY COUNCIL MINUTES  
MAY 17, 2005**

Orangeburg City Council held its regularly scheduled meeting on Tuesday, May 17, 2005, at 7:00 P.M., in Council Chambers with Mayor Miller residing. An invocation was given by Councilmember Jernigan.

**PRESENT:**

**Paul A. Miller, Mayor**  
**Charles B. Barnwell, Jr.**  
**Bernard Haire**  
**Charles W. Jernigan**  
**Sandra P. Knotts**  
**Trelvis A. Miller**  
**Joyce W. Rheney**

A motion was made by Councilmember Miller, seconded by Councilmember Knotts, to approve the May 3, 2005, City Council Minutes as distributed. This motion was unanimously approved.

City Attorney Walsh presented Council with a Resolution to extend the present Time Warner Franchise Agreement for two months ending July 31, 2005. He stated, "This will allow us to continue our negotiations. It is important since the Franchise governs both the City and Time Warner during this time period, it is important that we have a Franchise in place during that time. City Administrator Yow and I have met with Time Warner officials twice and plan to met a third time to discuss agreed upon amendments."

Councilmember Barnwell stated, "You've explained to me why it's necessary, but please explain to Mr. Bud Tibshrary and any others associated with Time Warner, that there will be no further extensions."

A motion was made by Councilmember Rheney, seconded by Councilmember Jernigan to approve a Resolution to extend the present Time Warner Franchise Agreement for two months ending July 31, 2005. This was a 6-0-1 vote as Mayor Pro Tem Haire abstained.

A motion was made by Councilmember Jernigan, seconded by Councilmember Barnwell, to cancel the regularly scheduled City Council meetings on July 5, 2005, and July 19, 2005, and have one meeting on July 12, 2005, at 6:00 P.M. to allow for budget meetings scheduled in the month of July. This motion was unanimously approved.

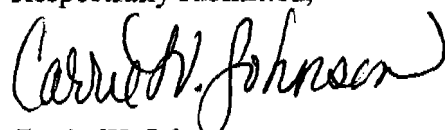
There were no matters brought before Council pertaining to the Department of Public Utilities.

Ms. Liz Keitt made an appearance for Project Life Positeen. She brought with her students from Clark Middle School and Orangeburg Wilkinson High School.

A motion was made by Councilmember Barnwell, seconded by Councilmember Miller, to enter into an Executive Session for a personnel matter concerning the Municipal Court. This motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson  
Assistant City Clerk

/pfb





## CITY COUNCIL MINUTES

### June 7, 2005

Orangeburg City Council held its regularly scheduled meeting on Tuesday, June 7, 2005, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. An invocation was given by Councilmember Barnwell.

#### **PRESENT:**

**Paul A. Miller, Mayor**  
**Chalres B. Barnwell, Jr.**  
**Bernard Haire**  
**Charles W. Jernigan**  
**Sandra P. Knotts**  
**Trelvis A. Miller**  
**Joyce W. Rheney**

A motion was made by Councilmember Barnwell, seconded by Councilmember Knotts, to approve the May 17, 2005, City Council Minutes as distributed. This motion was unanimously approved.

Mayor Miller presented the Jarvis Brothers with the Edisto Award for Community Service.

Mr. Donnie Hilliard accepted the Character Trait Proclamation "Fairness" for the month of June 2005.

A discussion was held concerning an Ordinance, repealing in its entirety, Chapter 9, Section 3 of the Code of Ordinances of the City of Orangeburg and repealing Chapter 5, Section 21 for the purpose of establishing a uniform permit requirement for parades and public assemblies.

City Attorney Walsh stated, "This Ordinance combines two existing sections, one involving parades and one involving pickets. Under the Ordinance, if a person wanted to picket, he'd need a permit. The new Ordinance requires a permit only for groups of more than 25 people. Although, there is some discretion, the content of speech is protected and there is an appeals process if the permit is denied."

Councilmember Miller asked, "Does this give the Chief discretion on issuing a permit for people to gather or picket?"

City Attorney Walsh explained, "If it is more than 25 people."

Mayor Pro Tem Haire asked, "The \$100 fee is for a parade, how many parades do we have a year?"

City Administrator Yow stated, "Less than five."

Mayor Pro Tem Haire stated, "I am concerned that this Ordinance will not provide good will. It will provide problems that we don't need to get in. I don't see the need for a \$100 fee, I don't see the need of charging people. I don't know whether or not that this will be seen as an attempt to get at negative feelings having to pay \$100 for a parade, such as the universities. They are good corporate citizens and we don't need to go that route. Also, because of my involvement with the struggle, I am concerned over the constitutional civil rights to voice their protest. I cannot go along with this as it is and I will not support it."

City Attorney Walsh explained that the intent of the present Ordinance is real restrictive to obtain a permit, our purpose of this Ordinance is to make it less restrictive. City Attorney Walsh stated that Chief Davis came up with the fee because of what we have to go through to issue a permit.

CITY COUNCIL MINUTES  
JUNE 7, 2005  
PAGE 2

City Administrator Yow stated, "Parade permits were begun years ago to avoid conflict with other parades, construction, etc."

Councilmember Barnwell stated, "The City's two existing Ordinances are now unconstitutional."

City Administrator Yow stated, "Sometimes it is a real cost to us in overtime in the budget for Public Safety and clean up. Also, there are other assemblies, such as the Taste of Orangeburg, which are not parades but require overtime."

Councilmember Rheney asked, "Have we ever charged before?"

City Administrator Yow replied, "No."

Discussion was held on the rate and whether it can be changed after the first reading.

A motion was made by Councilmember Jernigan, seconded by Councilmember Barnwell, to repeal an Ordinance, in its entirety, Chapter 9, Section 3 of the Code of Ordinances of the City of Orangeburg and repealing Chapter 5, Section 21 for the purpose of establishing a uniform permit requirement for parades and public assemblies. This was a 6-1 vote with Councilmember Haire opposing.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to accept the Youth Corp Employment and Training Program Grant, with City Administrator given authorization to accept the grant. This motion was unanimously approved.

Mr. Bill Dukes, Jr., brought before Council the issue of renaming the Parks and Recreation Canteen and Adden Street Field in honor of the City's first Recreation Director, Mr. Don Yongue. Mr. Dukes provided Council with a letter describing events in the Recreation Department and what Mr. Yongue did for Orangeburg and the youth of Orangeburg.

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to rename the Canteen Recreation Center, the Don Yongue Recreation Center. This motion was unanimously approved.

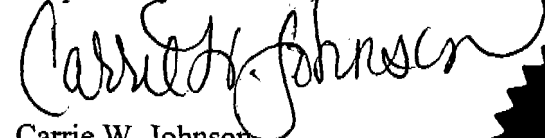
A motion was made by Councilmember Miller, seconded Councilmember Barnwell, to appoint Mr. Charles Guess to the Planning Commission to fill an unexpired term. This term will expire January 2006. This motion was unanimously approved.

There were no utility matters brought before Council.

A motion was made by Councilmember Rheney, seconded by Councilmember Barnwell, to enter into an Executive Session for a legal matter concerning the purchase of real property. This motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson  
City Clerk

/pfb



## CITY COUNCIL MINUTES

### June 21, 2005

Orangeburg City Council held its regularly scheduled meeting on Tuesday, June 21, 2005, at 7:00 P.M., in Council Chambers with Mayor Pro Tem Haire presiding. An invocation was given by Roger D. Brant, Director of the Service Department.

**PRESENT:**

**Charles B. Barnwell, Jr.**  
**Bernard Haire**  
**Charles W. Jernigan**  
**Sandra P. Knotts**  
**Trelvis A. Miller**  
**Joyce W. Rheney**

**ABSENT:**

**Paul A. Miller, Mayor**

A motion was made by Councilmember Jernigan, seconded by Councilmember Barnwell, to approve the June 7, 2005, City Council Minutes as distributed. This motion was unanimously approved.

A motion was made by Councilmember Barnwell, seconded by Councilmember Miller, to approve giving City Administrator Yow authorization to enter into an agreement for construction of the Department of Public Safety Station #4 on Prosperity Drive in the amount up to \$494,000. This motion was unanimously approved.

A motion was made by Councilmember Jernigan, seconded by Councilmember Miller, to approve accepting the Drug Control and System Improvement Program Grant No. 1D05086/Project: Live Scan in the amount of \$43,438 with a local match of \$14,479. This motion was unanimously approved.

A motion was made by Councilmember Jernigan, seconded by Councilmember Rheney, to approve accepting the Drug Control and System Improvement Program Grant No. 1D05038/Project: DPS Forensic Drug Lab Personnel in the amount of \$59,181 with a local match of \$19,727. This motion was unanimously approved.

A motion was made by Councilmember Rheney, seconded by Councilmember Barnwell, to approve the appointments to the City Grievance Committee for three year terms expiring June, 2008. They are as follows:

Duane Tarrant	Finance Department
Clatus Griddle	Hillcrest
Loretta Davis	Dept. of Public Safety – Alternate
Laverne Haynes	Finance – Alternate

This motion was unanimously approved.

Council was given, as information, that members on the Hillcrest Commission, Construction Board of Adjustments and Appeals and the Board of Zoning Appeals will have terms expiring in July, 2005.

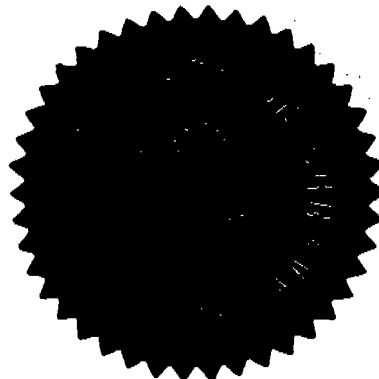
There were no Department of Public Utilities matters brought before Council.

A motion was made by Councilmember Barnwell, seconded by Councilmember Miller, to enter into an Executive Session for a contractual matter concerning the purchase of property. This motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,

*Carrie W. Johnson*  
 Carrie W. Johnson  
 City Clerk



**RESOLUTION TO EXTEND THE FRANCHISE AGREEMENT BETWEEN THE CITY  
OF ORANGEBURG AND TIME WARNER ENTERTAINMENT-  
ADVANCE/NEWHOUSE, A NEW YORK GENERAL PARTNERSHIP, D/B/A TIME  
WARNER CABLE, DATED MAY 4, 1995 FOR AN ADDITIONAL TWO (2) MONTHS  
AND EXPIRING ON JULY 31, 2005.**

**WHEREAS**, Time Warner Entertainment-Advance/Newhouse, a New York General Partnership, d/b/a Time Warner Cable ("Time Warner") currently holds a cable television franchise awarded by the City, which authorizes Time Warner to provide cable services within the City ("Franchise"); and

**WHEREAS**, said franchise was extended for an additional year, expiring on May 31, 2005, under Standstill Agreement between the City and Time Warner dated May 27, 2004 for the purpose of utilizing the informal franchise renewal process described in § 626(h) of the Cable Act 47 U.S.C. § 546 (h); and

**WHEREAS**, on March 15, 2005 the City submitted a franchise renewal to Time Warner; and

**WHEREAS**, first and second reading of an ordinance granting said franchise renewal for a term of ten (10) years was held on April 5, 2005 and April 19, 2005, respectively; and

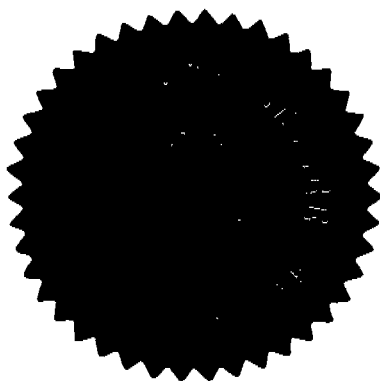
**WHEREAS**, as a result of said submittal by the City, Time Warner reviewed said franchise renewal as submitted by the City and by letter dated April 14, 2005 submitted said franchise renewal agreement with proposed revisions and requested that the City and representatives of Time Warner enter into franchise renewal negotiations prior to the required third reading of the franchise ordinance; and

**WHEREAS**, the City has consented to said negotiations and wishes to extend the existing franchise agreement for said purposes;

**NOW THEREFORE BE IT RESOLVED BY COUNCIL DULY ASSEMBLED**, that the existing franchise agreement between the City of Orangeburg and Time Warner Entertainment-Advance/Newhouse, a New York General Partnership, d/b/a Time Warner, dated May 4, 1995 is hereby extended for an additional (2) month period expiring on July 31, 2005 for the purpose of additional franchise renewal negotiations.

**BE IT FURTHER RESOLVED**, that John H. Yow, City Administrator is hereby authorized and directed to enter into a franchise extension agreement extending the existing franchise for the purpose and time as set forth above; provided that Time Warner agrees to said extension and agrees to continue to provide cable services within the corporate limits of the City of Orangeburg under the terms, conditions and limitations as contained in the existing franchise agreement between the City and Time Warner.

**DONE AND RATIFIED BY THE CITY OF ORANGEBURG, STATE OF SOUTH CAROLINA THIS 17<sup>th</sup> DAY OF MAY, 2005.**



ATTEST:

City Clerk

Mayor

*Sam S. Min*  
*Grandia H. Little*  
*Charles B. Smith*  
*James A. Miller*  
*John H. Yow*  
*Gregory W. Hines*

## CITY COUNCIL MINUTES

### July 12, 2005

Orangeburg City Council held its regularly scheduled meeting on Tuesday, July 12, 2005, at 6:00 P.M., in Council Chambers with Mayor Miller presiding. An invocation was given by Councilmember Jernigan.

#### **PRESENT:**

**Paul A. Miller**

**Charles B. Barnwell, Jr.**

**Bernard Haire**

**Charles W. Jernigan**

**Sandra P. Knotts**

**Trelvis A. Miller**

**Joyce W. Rheney**

A motion was made by Councilmember Miller, seconded by Councilmember Knotts, to approve the June 21, 2005, City Council Minutes as distributed. This was a 5-0-1 vote as Mayor Miller abstained and Councilmember Barnwell was not present at the time of the voting.

An appearance was made by Ms. Tamara Knight, President of Blue Star Mothers, who gave Council information on what this organization is about. Mayor Miller presented her with a Proclamation, "America Supports You".

City Attorney Walsh presented to Council a report on the negotiations to grant a cable franchise to Time Warner Entertainment-Advancement/Newhouse, a New York General Partnership D/B/A Time Warner Cable. He explained that he and City Administrator Yow met with Mr. Frank Ellorbee, attorney representing time Warner in Columbia and with Mr. Bud Tibshirany of Time Warner on two occasions. The City is also receiving counsel from Jr. Jim Harwood, an attorney in Washington, DC. They identified items of disagreement that cannot be addressed by the deadline of July 31, 2005.

Councilmember Miller asked, "If a compromise would be made between the parties by the deadline?"

City Attorney Walsh explained that progress is being made and it looks promising.

Councilmember Knotts asked, "What percentage of chance is this going to get cleaned up by August 31, 2005?"

City Attorney Walsh stated, "That should be ample time to reach an agreement or we'll know by then if we're not going to reach an agreement."

A motion was made by Councilmember Jernigan, seconded by Councilmember Rheney, to approve a Resolution to extend the existing Franchise Agreement with Time Warner through September 7, 2005. This was a 4-3 vote with Councilmembers Miller and Barnwell and Mayor Pro Tem Haire opposing.

City Administrator presented to Council a report on the request for a traffic signal at the intersection of John C. Calhoun Drive (U.S. 301) and Windsor Street (S-181). In this study the SCDOT determined that the basic volume of traffic does indicate a traffic signal is needed at this time.

Councilmember Knotts asked, "What time was this Study conducted? If it was in the morning, then traffic would not be so heavy, but if it was in the evening between 4-6 P.M., then traffic would be very busy. Council unanimously voted for City Administrator Yow to investigate when the Study was done."

Mayor Miller presented to Ms. Janet Barrett, the Character Trait Proclamation for the month of July, 2005, "Dependability".

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve giving City Administrator Yow authorization to purchase 1.16 acres and 8,450 sq. ft. of real property (Tax Map#: 172-06-03-005 and # 172-06-03-006) from Mr. F. L. Metts, Jr., in the amount of \$70,000. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve giving City Administrator Yow authorization to purchase 1.33 acres of real property (Tax Map#: 172-06-03-007) from Mr. James M. Covington, in the amount of \$109,000. This motion was unanimously approved.

A motion was made by Councilmember Miller, seconded by Councilmember Jernigan, to approve the First Reading of an Ordinance increasing the annual salaries for the Office of Mayor and Council. Mayor's salary shall be \$15,000 annually and Council Member's salary shall be \$10,000 annually. This was a 5-1-1 vote, as Councilmember Barnwell opposed and Councilmember Rheney abstained.

Councilmember Barnwell stated, "I have studied the issue and its long range effect and we are looking at raising taxes and I did not run for office for monetary gain and I am adamantly opposed to raise salaries and raise taxes."

Mayor Miller replied, "The salaries for Mayor and Council are not paid from the City's budget, it is paid from the Department of Public Utilities."

Councilmember Barnwell stated, "It is taking money from Peter to pay Paul, our citizens are not that stupid."

Councilmember Jernigan stated, "I have had to think about this a lot to be in favor of the Salary Ordinance. But, in the future, down the road, when this Council or part of this Council won't be on here, we will be moving on. I think by raising this salary and getting the money aspect up a little bit, it may attract some people to run for public office knowing that they are getting something back for doing it. I think it will strengthen our position even more."

Councilmember Barnwell replied, "The perception always has been to run for office for a good cause and not for monetary gain or supplement yourself."

Councilmember Miller stated, "As the youngest member of Council, it is sometimes hard to get young people who have to sacrifice time, family and finances interested in politics. The wages we make today, that is not enough to take care of our gas expenses. There has to be some type of incentive to peek young people's interest in order to take my position, or any others, so that we can run an efficient City."

Assistant City Administrator Harley presented the Boswell Neighborhood Redevelopment Study for approval by Council.

Councilmember Rheney asked, "You had meetings with the residents in this neighborhood, how many were in attendance and what remarks were made?"

Assistant City Administrator Harley replied, "There were not a lot in attendance, only about seven or eight attended, they were all in favor of correcting problems of the abandoned homes."

Councilmember Rheney asked, "Were any interested in relocating?"

Assistant City Administrator Harley stated, "The people in attendance were living in their residences and they wanted to stay and their homes needed minor repairs."

Councilmember Rheney asked, "What about the out-of-town owners, how many do we have? I was wondering if the percentage is high."

Page 3

Assistant City Administrator Harley stated, "I don't have that information, but of the homes in the area, there are thirty-one properties and twenty-three have residences and some of them are owned by the same person."

Councilmember Jernigan asked about the possibility of involvement with Habitat for Humanity.

Mayor Miller asked about the substandard lots.

Assistant City Administrator Harley stated, "There are eight condemned and three more that are probably on substandard lots."

Councilmember Jernigan stated, "There are only two that need minor repairs?"

Councilmember Rheney asked about walk-throughs on the properties.

A motion was made by Councilmember Rheney, seconded by Councilmember Jernigan, to approve the Boswell Neighborhood Redevelopment Study. This motion was unanimously approved.

Mayor Pro Tem Haire asked that item #9, Discussion of Non-Conformities on Substandard Lots, be placed on the agenda. He explained that an owner on Glover Street was unable to get thier utilities turned on to get repairs done due to a lot being substandard. Part of this reason for the lot being substandard was because of the highway that went through the area. Glover Street was widened and the property was reduced due to the widening of the street. "I was then informed that once a house sits vacant for six months that a house becomes substandard and nonconforming and because of this Ordinance, I was then informed that nothing could be done. Landowners sometimes get weary of homes being torn up and destroyed so people put houses in essence, "mothball" them, not renting them or doing anything. If this property could be used and cut the utilities on five months after it being vacant, then I don't see the problem that exists with it now as this person needs to remodel this property. I have looked at and have been pleased with what I have seen in Charleston and Columbia as it relates to sub-standard lots. If those cities could permit individuals to go in and redevelop those properties and put them back into use, I can't see why Orangeburg can't look into this same type of property. I am not advocating slums, but if the house is in such shape as to be torn down, I have no problem with it being torn down. But if the house, with some repairs can be put on the market, I can't see why we should advocate a time limit and if you don't do it within a certain time period then it is not going to be permitted as living quarters. I would like for this Council to look at Ordinances of Richland County and Charleston County to have property owners remodel homes and rehab homes. I think it is wrong for us to say to a landowner that when a house is not in a dilapidated state that you cannot rehab the home, because the electricity hasn't been on in a six month period or in the case when the property is being willed to someone in a year's time."

A Motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, for the City Administrator and the City Attorney to look into the procedures that Columbia and Charleston have utilized to permit these structures to be rehabbed and to ask Mr. Dan Vismor as well for alternatives.

A discussion was held between Councilmembers on sub-standard lots and setbacks.

Councilmember Jernigan asked, "If the property was to be sold to an individual, would that still be considered a sub-standard lot?"

Mayor Pro Tem Haire stated, "Yes."

Councilmember Jernigan stated, "The way it stands right now, according to this Ordinance, there is nothing that can be done to the property. It either has to be torn down or let it be torn down."

Mayor Pro Tem Haire stated, "The owner had a buyer for the house but when the buyer found out about that, he backed out."

Mayor Miller stated, "We have a lot of property that is located on substandard lots a long time ago, just like on Sellers Avenue where Habitat for Humanity has built homes on substandard lots and I would venture to say there is a lot of that in Orangeburg. I would like for City Administrator Yow and City Attorney Walsh to study this problem and bring it back before Council."

City Administrator Yow stated, "The Planning Commission is working on the Zoning Ordinance and this is part of the Ordinance that you are going to have to adopt and I would like for us to ask Mr. Vismor to help us with that for any alternative language."

Councilmember Miller asked, "Do we have an accurate number of such lots in the City?"

City Administrator Yow stated, "We have no idea, but there is a lot."

Councilmember Jernigan stated, "As the City of Orangeburg grows, this may occur more than it does now."

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Jernigan, to approve the Facade Application Review Committee and to allow City Administrator to appoint an additional person to the Committee. This motion was unanimously approved. Currently, the Committee Members are:

Mr. Bob Ayers  
Col. John Bowden  
Col. Richard Singleton  
Mr. Gary Smoak  
Ms. Georgia Montgomery

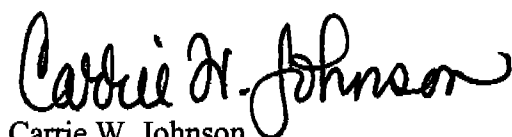
A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve authorizing the Department of Public Utilities Manager to enter into a contract with Kelley Communications, not to exceed the amount of \$627,121.31. This motion was unanimously approved.

A motion was made by Councilmember Miller, seconded by Mayor Pro Tem Haire, to approve authorizing the City Administrator to enter into a contract with Kelley Communications, not to exceed the amount of \$414,000.00. This motion was unanimously approved.

A motion was made by Councilmember Miller, seconded by Mayor Pro Tem Haire, to adjourn. This motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson  
City Clerk

/pfb





**RESOLUTION TO EXTEND THE FRANCHISE AGREEMENT BETWEEN THE CITY  
OF ORANGEBURG AND TIME WARNER ENTERTAINMENT-  
ADVANCE/NEWHOUSE, A NEW YORK GENERAL PARTNERSHIP, D/B/A TIME  
WARNER CABLE, DATED MAY 4, 1995 FOR AN ADDITIONAL TERM AND  
EXPIRING ON SEPTEMBER 7, 2005.**

**WHEREAS**, Time Warner Entertainment-Advance/Newhouse, a New York General Partnership, d/b/a Time Warner Cable ("Time Warner") currently holds a cable television franchise awarded by the City, which authorizes Time Warner to provide cable services within the City ("Franchise"); and

**WHEREAS**, said franchise was extended for an additional year, expiring on May 31, 2005, under Standstill Agreement between the City and Time Warner dated May 27, 2004 for the purpose of utilizing the informal franchise renewal process described in § 626(h) of the Cable Act 47 U.S.C. § 546 (h); and

**WHEREAS**, on March 15, 2005 the City submitted a franchise renewal to Time Warner; and

**WHEREAS**, first and second reading of an ordinance granting said franchise renewal for a term of ten (10) years was held on April 5, 2005 and April 19, 2005, respectively; and

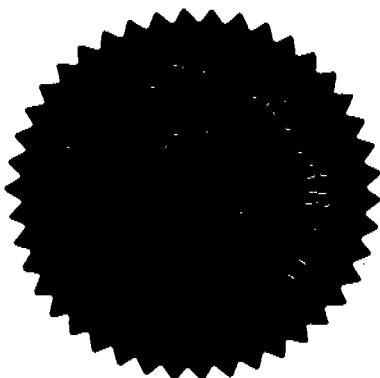
**WHEREAS**, as a result of said submittal by the City, Time Warner reviewed said franchise renewal as submitted by the City and by letter dated April 14, 2005 submitted said franchise renewal agreement with proposed revisions and requested that the City and representatives of Time Warner enter into franchise renewal negotiations prior to the required third reading of the franchise ordinance; and

**WHEREAS**, the City consented to said negotiations and now wishes to further extend the existing franchise agreement for said purposes;

**NOW THEREFORE BE IT RESOLVED BY COUNCIL DULY ASSEMBLED**, that the existing franchise agreement between the City of Orangeburg and Time Warner Entertainment-Advance/Newhouse, a New York General Partnership, d/b/a Time Warner, dated May 4, 1995 is hereby extended for an additional period expiring on September 7, 2005 for the purpose of additional franchise renewal negotiations.

**BE IT FURTHER RESOLVED**, that John H. Yow, City Administrator is hereby authorized and directed to enter into a franchise extension agreement extending the existing franchise for the purpose and time as set forth above; provided that Time Warner agrees to said extension and agrees to continue to provide cable services within the corporate limits of the City of Orangeburg under the terms, conditions and limitations as contained in the existing franchise agreement between the City and Time Warner.

**DONE AND RATIFIED BY THE CITY OF ORANGEBURG, STATE OF SOUTH CAROLINA THIS 12 DAY OF JULY, 2005.**



ATTEST: Carrie H. Johnson  
City Clerk

John H. Yow  
Mayor  
Sandra P. Foyles  
Charles B. Brundage  
Charles A. Miller  
John D. Ingram  
James W. Shugart  
William H. Hare  
Councilmembers

## **BUDGET WORKSHOP MINUTES**

### **JULY 20, 2005**

Orangeburg City Council held a Budget Workshop meeting on Wednesday, July 20, 2005, at 6:00 P.M., in Council Chambers. An invocation was given by Mayor Miller.

**PRESENT:**

**Paul A. Miller, Mayor**  
**Charles W. Barnwell**  
**Bernard Haire**  
**Charles Jernigan**  
**Sandra P. Knotts**  
**Trelvis A. Miller**  
**Joyce W. Rheney**  
**John H. Yow, City Administrator**  
**Warren T. Harley, Assistant City Administrator**  
**Carrie W. Johnson, Finance Director**

The purpose of this meeting was to conduct a Budget Workshop for the Fiscal Year 2005-2006.

City Administrator Yow started off by thanking Council for their participation in the Planning Session and staff for their hard work. He opened the discussion with an overview of finalized Fiscal Year 2004-2005 amended budget figures. He pointed out that the City will not use the entire amount of the budgeted cash reserve of \$778,996, instead projected \$ 350,000. He anticipates that perhaps it will be only \$300,000 that will be used from cash reserve, as we will attempt to keep expenditures down and pursue all possible revenues.

He overviewed the Airport, Hillcrest and Pro Shop Funds. The Prop Shop Fund will transfer \$67,090 to the Hillcrest Golf Course Fund. Once this is done, Hillcrest is projected to cover their expenses.

**He further outlines the major changes in expenditures for FY 2005-06.**

3% Cost of Living increase for all employees \$197,739, 1% is approximately \$66,000  
 Promotions and Merits throughout the City \$55,000  
 Mandated increase to State Retirement System \$29,000  
 Employer portion of medical and dental increase approximately \$89,000.00 for a 12% increase; employee and retirees to share increases  
 Property & Tort insurance increasing \$35,000; may be pursuing other options  
 One new fire engineer was added to supplement the sub-stations \$30,000 (Total for 8 engineers equals \$240,000--7 were added previous Fiscal Year)  
 One additional position to Parks & Recreation in maintenance crew \$22,000  
 One additional position in Information Systems Management \$45,000 that was transferred from Department of Public Safety  
 Tipping fees at County Landfill increased \$13,000  
 Tires, gas & oil increases \$50,000  
 Grant matches in general fund \$148,000  
 Outside Funding in this budget for Healing Species and OCDC in the amount of \$19,000  
 Loan to Airport from fund balance for building hangars \$158,297  
 Tuition Reimbursement continues to rise  
 Building new sand traps at Hillcrest, \$33,000 loan from 2% Fund  
 Expand ramp area at Airport FY 2004-05  
 No General Fund transfer to Airport or Hillcrest.  
 Fire Equipment Reserve Fund depleted, we are buying equipment every year  
 Department of Public Safety overtime continues to increase  
 Several tourism related capital items moved to 2% Fund

**Page 2****Revenues for FY 2005-06**

6 mill tax increase to 79 mills to be approximately \$220,000

Vehicle taxes assessment rate decreased again due to State Law (\$30,000 decrease in City revenues)

No proposed rate increase for business licenses, building permits, rentals and Time Warner Cable Franchise

\*Telecommunications revenues decreased overall \$400,000—Again due to SC Legislative Action

Increase in fire contract rates by 5%, \$25,000 - \$30,000 new income

Raising commercial sanitation fees by 5% - \$13,000 and raising residential sanitation fees \$1 per month from \$7 to \$8

Department of Public Utilities transfer to increase by \$300,000

Fund Balance budgeted at \$530,000

Increase in recreational fees by \$10 each participant (resident and non-resident)

Hospitality & Accommodations Tax continues to grow close to \$900,000 – this does not directly affect the General Fund

Criminal Fines down \$13,000

Investment Income increasing \$70,000

No proposed fee increase in green fees or cart fees, looking to increase concession fees and range balls

Mayor Pro Tem Haire asked about MASC approaching to the Legislature about Telecommunication revenues decreasing.

A discussion was held on a proposed City Fire Tax District to offset the tremendous cost the City is incurring for 8 new engineers for Fire Substations outside the City.

A discussion was held on tax processing fees from \$45 to \$60 and possibly staggering additional processing fees. Council felt the increased processing fees were necessary to encourage timely payment of property taxes.

Councilmember Miller asked about outside funding requests.

City Administrator Yow stated, "At present no formal requests were received."

A discussion was held on the revenues and expenditures currently in the budget and what has been cut.

Councilmember Miller stated that Project Positeen and CASA should be funded. Mayor Miller wanted to go through what was cut from the budget first.

A discussion was held on special project monies and then transferring to specific line items and where the revenue would come from. It will be discussed further in the next budget meeting.

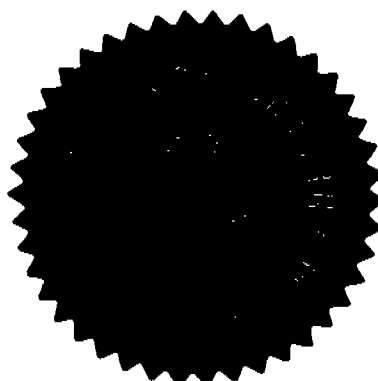
A motion was made by Mayor Miller, seconded by Mayor Pro Tem Haire, to adjourn. This was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson  
City Clerk



A Burch  
Assessing Agent/License Inspector  
Bernie T. Haynes  
Revenue Collector  
Duane Tarrant  
Payroll & Insurance Clerk  
Cynthia Summers-Jordan  
Accounts Payable Clerk  
Anansia L. Mays  
Finance Clerk



Carrie W. Johnson, MBL, CPPA  
Finance Director

BUS# (803) 533-6000  
FAX# (803) 533-6007

## City of Orangeburg South Carolina

A Proposed Rate increase in Processing Fees for Delinquent Taxes:

Processing Fees:

Currently \$45.00 is added on or about May 1

Proposed for Processing Fees:

Increase the current processing fee from \$45.00 to \$60.00 on or about May 1

Increase again from \$60 to \$75 on or about when posting begins in July

Increase again from \$75 to \$90 once advertised in newspaper

## **BUDGET WORKSHOP MINUTES**

### **JULY 21, 2005**

Orangeburg City Council held a Budget Workshop meeting on Thursday, July 21, 2005, at 6:00 P.M., in Council Chambers. An innovation was given by Councilmember Jernigan.

#### **PRESENT:**

**Paul A. Miller, Mayor**  
**Charles W. Barnwell**  
**Bernard Haire**  
**Charles Jernigan**  
**Sandra P. Knotts**  
**Trelvis A. Miller**  
**Joyce W. Rheney**  
**John H. Yow, City Administrator**  
**Warren T. Harley, Assistant City Administrator**  
**Carrie W. Johnson, Finance Director**

City Administrator Yow overviewed what was discussed the night before, July 20, 2005, on the proposed revenues and expenses. He then went over, in detail, all of the capital items requested by each Department and what was cut and what was approved and detailed each item. It was also explained how every single line item was reviewed and many were reduced from Department requests.

After additional questions and clarifications, Mayor Miller suggested that we accept what was presented by City Administrator Yow and staff.

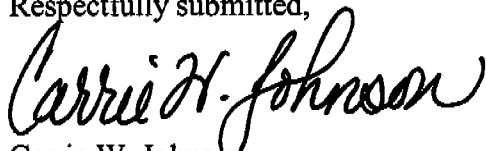
Councilmember Miller asked about other funding and wanted to put monies in special projects and designate it once requests were made. Mayor Miller suggested that we consider requests, when and if, they come on merit.

Councilmember Rheney asked if the advertising about the millage going up would include reasons why, such as the telecommunications revenue being decreased and the state retirement going up, insurance going up, etc.

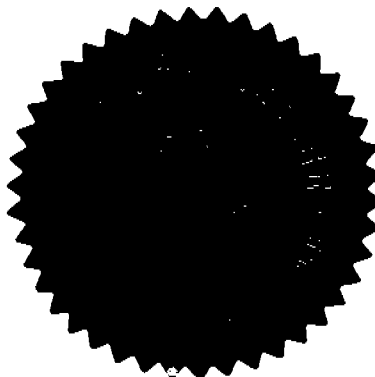
Mayor Miller also stated that there would be an Executive Session following the Department of Public Utilities budget meeting in August to discuss personnel matters.

The meeting was then adjourned.

Respectfully submitted,



Carrie W. Johnson  
City Clerk



## CITY COUNCIL MINUTES

August 2, 2005

Orangeburg City Council held its regularly scheduled meeting on Tuesday, August 2, 2005, at 12:00 Noon, in Council Chambers with Mayor Miller presiding. An invocation was given by Service Department Director Brant.

**PRESENT:**

**Paul A. Miller**

**Charles B. Barnwell, Jr.**

**Bernard Haire**

**Charles W. Jernigan**

**Sandra P. Knotts**

**Trelvis A. Miller**

**Joyce W. Rheney**

A motion was made by Councilmember Jernigan, seconded by Mayor Pro Tem Haire, to approve the July 12, 2005, City Council Minutes as distributed. This motion was unanimously approved.

A motion was made by Councilmember Rheney, seconded by Councilmember Barnwell, to approve the July 20, 2005, Budget Workshop Minutes as distributed. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Knotts, to approve the July 21, 2005, Budget Workshop Minutes as distributed. This motion was unanimously approved.

A motion was made by Councilmember Jernigan, seconded by Councilmember Miller, to approve the Second Reading of an Ordinance increasing the annual salaries for the Office of Mayor and Council. Mayor's salary shall be \$15,000 annually and Council Member's salary shall be \$10,000 annually.

Councilmember Barnwell stated, "I am still opposed to this and it is manifestly unfair to raise salaries and pass on a tax increase. I ran for office to serve the people."

Councilmember Rheney stated, "I am in agreement with Councilmember Barnwell and I will vote no on this issue."

This was a 5-2 vote on raising salaries of Mayor and Council with Councilmembers Barnwell and Rheney opposing.

A motion was made by Councilmember Knotts, seconded by Councilmember Barnwell, to appoint Reverend Johnny Byrd to serve on the Board of Zoning Appeals to fill the unexpired term (January 2008) of Reverend Roderick Belin. This motion was unanimously approved.

Council was informed of the rededication ceremony of Southern Methodist College Campus on Thursday, August 4, 2005, at 5:00 P.M

Mayor Miller presented to Ms. Mandy Baltzegar of Zeus Industrial Products, Inc., the Character Trait Proclamation for the month of August, 2005, "Punctuality".

City Administrator Yow overviewed the Fiscal Year Budget and pointed out that the cash reserve was originally budgeted at \$778,000 and that the entire amount would not be necessary and we are projecting to spend \$350,000 and hopefully not that much as we are pursuing all revenues and closely monitoring expenditures.

Councilmember Barnwell asked, "Does this mean we are coming in under budget at about \$350,000?"

**Page 2**

City Administrator Yow responded, "Yes, we look at ways to cut expenditures throughout the year and to increase our revenues."

Mayor Miller commended staff because the fund balance is usually budgeted, but we don't normally use it.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Rheney, to approve the First Reading of an Ordinance amending the Budget for the City of Orangeburg, SC, for the Fiscal Year beginning October 1, 2004, and ending September 30, 2005. This motion was unanimously approved.

City Administrator Yow overviewed the budget in revenues and expenditures.

3% Cost of Living increase for all employees \$197,739, 1% is approximately \$66,000  
 Promotions and merits throughout the City approximately \$55,000  
 Mandated increase to State Retirement System \$29,000  
 Employer portion of medical and dental increase approx. \$89,000 for a 12% increase; employee and retirees to share increases  
 Property & Tort insurance increasing \$35,000; may be pursuing other options for coverage  
 One new fire engineer was added to supplement the sub-stations \$30,000 (Total for 8 engineers equals \$240,000 – 7 were added previous Fiscal Year)  
 One additional position to P&R in maintenance crew \$22,000  
 One additional position in Information Systems Management—\$45,000 that was transferred from Department of Public Safety  
 Tipping fees at County Landfill increased \$13,000  
 Tires, gas and oil increases \$50,000  
 Grant matches in general fund \$148,000  
 Outside Funding in this budget for Healing Species and OCDC in the amount of \$19,000  
 Loan to Airport from fund balance for building hangars \$158,297  
 Department of Public Safety overtime continues to increase due to special events  
 6 mill tax increase to 79 mills; approximately \$220,000 adjusted revenue  
 Vehicle tax assessment rate decreased again due to State Law (\$30,000 decrease in City revenues)  
 No proposed rate increase for business licenses, building permits, rentals and Time Warner Cable Franchise  
 Telecommunications revenues decreased overall \$400,000—Again due to SC Legislative Action  
 Increase in fire contract rates by 5%, \$25,000 - \$30,000 new income  
 Raising commercial sanitation fees by 5% - \$13,000 and raising residential sanitation fees \$1 per month from \$7 to \$8  
 Department of Public Utilities transfer to increase by \$300,000  
 Fund Balance budgeted at \$530,000  
 Increase in recreational fees by \$10 each participant (resident and non-resident)  
 Criminal fines down \$13,000  
 Investment Income increasing \$70,000  
 No proposed fee increase in green fees or cart fees, looking to increase concession fees and range balls

Councilmember Barnwell stated in response to court costs and increase in assessments, "With the increase in assessments, we are just a collection agency for the state."

Councilmember Rheney stated, "In response to the increase in fire contracts that those outside the City are benefitting from the City's ISO rating and may not be getting a contract."

Mayor Pro Tem Haire stated, "In response to the increase in fire contracts that a solution may be a County Tax District to ensure that those in the district are paying for fire service."

Page 3

Councilmember Jernigan asked, "Are there more fire calls outside the City than inside the City?"

City Administrator Yow responded, "About two thirds of the calls are outside the City."

Councilmember Miller stated, "I cannot support this Budget because of the funding requests of CASA and Project Positeen. They requested funding in the past and Council should look at them for funding."

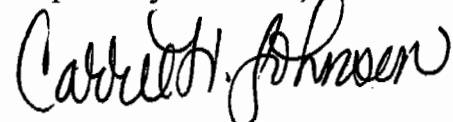
A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Knotts, to raise revenue an adopt a Budget for the City of Orangeburg, SC, for the Fiscal Year beginning October 1, 2005, and ending September 30, 2006. This was a 6-1 vote as Councilmember Miller opposed.

There were no utility matters brought before Council.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to adjourn. This motion was unanimously approved.

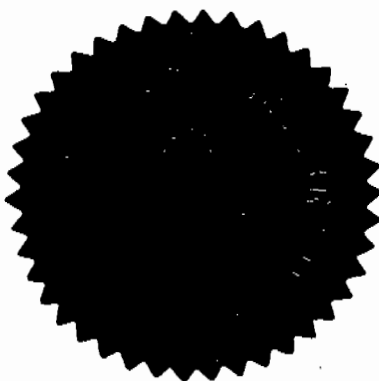
There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson  
City Clerk

/pfb





**CITY COUNCIL MINUTES**  
**SPECIAL SESSION - AUGUST 9, 2005**

1621

Orangeburg City Council held a Special Session Meeting on Tuesday, August 9, 2005, at 5:30 P.M. in the Assembly Room of the Department of Public Utilities, 1016 Russell Street with Mayor Paul A. Miller presiding. Michael G. Sells gave an invocation.

PRESENT: Paul A. Miller, Mayor  
Bernard Haire, Mayor Pro Tem  
Charles B. Barnwell  
Charles W. Jernigan  
Trelvis A. Miller, Sr.  
Joyce W. Rheney

ABSENT: Sandra P. Knotts

Mayor Miller opened the meeting by thanking everyone for attending the Special Session of City Council.

The meeting was then turned over to Fred Boatwright, Manager of the Department of Public Utilities.

Manager Boatwright thanked Mayor and Council for sharing their time and stated the purpose of the Special Session Meeting was to present to Mayor and Members of Council for their consideration the proposed 2005-2006 Budget.

Manager Boatwright introduced to Mayor and Council the following employees: Linda F. Blanks (Customer Service Supervisor – Administrative Division), Henry G. (Hank) Rutland (Supervisor of the Water Treatment Plant) and E. Davis (Dave) Durgin (Engineer in the Gas Division).

**Summary Budget Presentation**  
**Fred Boatwright to Mayor and Council**

Manager Boatwright expressed he was pleased to present a proposed budget for the City of Orangeburg, Department of Public Utilities for Fiscal Year 2005-2006. He stated this is an \$85,000,000 Budget. The Department anticipates the operating expenses to be \$1 million more than last year. The Department anticipates the retained earnings before the City transfer will be \$9,865,000.

**Electric Division** - Anticipating an approximate 4% increase in sales in the Electric Division. The Electric Division is also anticipating higher than expected costs for purchasing power due to the increasing costs of fuel (more peak power is being generated with natural gas and recently the cost of coal has escalated significantly). Fuel costs that are incurred from our supplier are a direct pass through to our customers, so the net effect to our bottom line is zero.

**Natural Gas Division** - Anticipating an approximate 15% increase in the purchase cost of natural gas due to the predictions of natural gas costs on the market. The Gas Division is still negotiating a new contract for gas transportation with SC Pipeline Corporation and anticipates that by the fall of 2006 the Gas Division will be purchasing all its gas requirements off the open market. The Gas Division is prepared to make all of its own gas purchases and feels that it can achieve substantial savings for its customers by diligent purchase and loan control measures. In the last 18 months of purchasing a portion of our requirements off the market, we have saved our ratepayers approximately \$1,000,000.

**Water Division** – The cost of operating and maintaining the water system continues to rise. The Water Division is in the midst of a very expensive addition to its water plant. The budget numbers do anticipate a rate increase of approximately 6.2% early in the next fiscal year. He reminded Mayor and Council the Department is attempting to make several small increases instead of one large one in order to get its rate structures where they need to be.

**Wastewater Division** – The Wastewater Division is experiencing modest growth. It is continuing to act as the County's contractor for certain of their one-percent (1%) sales tax water and wastewater projects, which are adjacent to our existing distribution and collection systems. Some of the County's "Penny" projects are nearing completion and consequently our customer base has the potential of expanding by approximately 500 services in the coming fiscal year due to these "Penny" projects. We normally average

1622 about 80 new wastewater customers per year. Manager Boatwright advised the Department anticipates changes to its Wastewater Rates in the upcoming year.

Manager Boatwright stated this is a sound budget proposal that does anticipate some rate increases and which provide us with the resources to continue to meet the following obligations of the Department of Public Utilities.

1. Providing our customers with the best possible service at the lowest possible rates
2. Providing a reasonable return on investment for the City of Orangeburg
3. Maintaining and investing in our utility infrastructure to meet the challenges of the future

Manager Boatwright expressed the DPU accomplishments could not be met without the dedication of all its employees and the support and leadership of the Mayor and City Council.

There is only one new capital project, all the remaining are carry-overs from the previous year.

The meeting was then turned over to the Director of each Division to give a brief summary of their projects. They are as follows:

#### **ADMINISTRATIVE DIVISION PROJECT**

##### **Project #1 - Administrative Building Modifications**

Total Project Cost:	\$2,117,822
Expenditures to Date:	\$1,483,390
Estimated 2005-2006 Cost:	\$ 634,432

Continuation of an approved/ongoing project. The purpose of this project is to re-arrange and expand the DPU office building in order to provide better access for our customers to pay bills and conduct other business at the main office building, and provide for more office space and maximum employee productivity.

#### **ELECTRIC DIVISION PROJECTS**

##### **Project #1 - 115 kV Transmission Line & Substation #24**

Total Project Cost:	\$3,315,000
Expenditures to Date:	\$ 445,000
Estimated 2005-2006 Cost:	\$1,200,000

Continuation of an approved/ongoing project. The purpose of this project is to provide the County/City Industrial Park and adjoining area with additional electrical capacity to improve service reliability, future capacity for industrial development, and to restore capacity in the Department's existing Substation #15 (301 North) and Substation #20 (Rowesville Road).

##### **Project #2 - DPU Radio System**

Total Project Cost:	\$ 709,500
Expenditures to Date:	\$ 50,000
Estimated 2005-2006 Cost:	\$ 659,500

Continuation of an approved/ongoing project. The purpose of this project is to evaluate our existing radio communication system with the following options in mind (1) upgrade to a new system or (2) improve our existing system. As part of this project, the system will be designed so that the City's Public Safety, Public Works, Service Department, and the other Departments of the City may also use the radio system. This will allow all the Departments of the City to be able to communicate in emergency situations and be of assistance to one another. The radio system will also be designed for future expansion as needed and will cover all our service areas.

##### **Project #3 - Distribution Automation**

Total Project Cost:	\$ 561,000
Expenditures to Date:	\$ 0
Estimated 2005-2006 Cost:	\$ 400,000

This is a new project. The purpose of this project is to provide all DPU electric customers, residential, commercial and industrial with better reliability, less outage time,

and improved customer satisfaction by automating the power outage restoration process.

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### **GAS DIVISION PROJECTS**

No Proposed Projects for the Gas Division for Fiscal Year 2005-2006.

### **WATER DIVISION PROJECTS**

#### **Project #1 - 10 Million Gallon Per Day Treatment**

##### **Capacity Expansion at the Water Treatment Plant**

Total Project Cost:	\$16,524,000
Expenditures to Date:	\$ 8,089,912
Estimated 2005-2006 Cost:	\$ 7,500,000

Continuation of an approved/ongoing project. The purpose of this project is to address projected water system demand increases by increasing the treatment capacity at the Water Treatment Plant from 19-million gallons per day to 30-million gallons per day. This is a major project intended to provide adequate water supply for the next ten years. This project will require approximately 3 years to complete. This expansion will represent the final capacity expansions planned at the John F. Pearson Water Treatment Plant.

#### **Project #2 - Deep Well Aquifer Storage & Recovery (ASR)**

Total Project Cost:	\$3,500,000
Expenditures to Date:	\$ 85,450
Estimated 2005-2006 Cost:	\$ 100,000

Continuation of an approved/ongoing project. The purpose of this project is four-fold. The four primary objectives of this project are to provide additional finished water storage without constructing another finished water reservoir in the Edisto Memorial Gardens, improve overall water quality, meet projected demand during summer peak water usage and provide for water availability during emergency situations.

### **WASTEWATER DIVISION PROJECTS**

#### **Project #1 - Whitford Stage Creek Wastewater Trunk Line**

Project Cost:	\$ 652,000
Expenditures to Date:	\$ 114,000
Estimated 2005-2006 Cost:	\$ 538,000

Continuation of an approved/ongoing project. The purpose of this project is to accommodate future growth of the wastewater system and the proposed wastewater flows associated with the Orangeburg County "Penny Projects". The County's projects will provide service to approximately 385 existing residences presently served by septic tanks. These projects, funded entirely by the County, are currently in the design phase. In addition there are other areas being considered by the County for future projects and the proposed additions to our collection system will provide the possibility of serving residential and possible industrial customers in a large geographical area along Highway 33 across I-26 and as far as Eastwood Acres on the Belleville Road.

#### **This Completed the Proposed Project Presentations by the Directors**

Mayor Miller thanked Manager Boatwright and his staff for the informative presentation and stated he and all the members of Council appreciate the good work that comes out of DPU.

Councilman Jernigan stated he wanted to echo the Mayor's statement of thanking DPU for a job well done in providing electricity, gas, water and wastewater.

Mayor Miller presided over the First Reading of the Ordinance to Adopt a Budget for the Operation of the Department of Public Utilities for Fiscal Year October 1, 2005 through September 30, 2006.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to accept the First Reading of an Ordinance to Adopt the 2005-2006 Annual Budget for the Department of Public Utilities. Council voted unanimously to approve the Budget on First Reading.

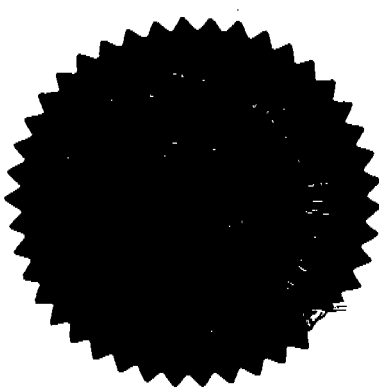
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A motion was made by Councilmember Miller, seconded by Councilmember Rheney, to enter into an Executive Session for the discussion of Personnel Matters regarding the Executive Department, Administration Department and the Department of Public Utilities. This motion was unanimously approved.

Mayor and Council agreed to tour the newly remodeled DPU Office Facility after the Executive Session.

There being no further business, the meeting was adjourned.

Respectfully submitted,



*Becky A. Austin*

Becky A. Austin  
Secretary to Manager of  
Department of Public Utilities

## **CITY COUNCIL MINUTES**

### **August 16, 2005**

Orangeburg City Council held two Public Hearings on Tuesday, August 16, 2005, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. The purpose of the Public Hearings were: (1) To raise revenue and adopt a Budget for the City of Orangeburg, SC., for the Fiscal Year beginning October 1, 2005, and ending September 30, 2006, and (2) To adopt a Budget for the Department of Public Utilities for Fiscal Year beginning October 1, 2005, and ending September 30, 2006.

#### **PRESENT:**

**Paul A. Miller, Mayor**  
**Charles B. Barnwell, Jr.**  
**Bernard Haire**  
**Charles W. Jernigan**  
**Sandra P. Knotts**  
**Trelvis A. Miller**  
**Joyce W. Rheney**

There were no comments received on the two Public Hearings. Hearing no comments, the Public Hearing was closed.

An invocation was given by Councilmember Jernigan.

A motion was made by Councilmember Barnwell, seconded by Councilmember Miller, to approve the August 2, 2005, City Council Minutes as distributed. This was a 6-0 vote as Councilmember Knotts was not present at the time of the voting.

A motion was made by Councilmember Miller, seconded by Councilmember Jernigan, to approve the August 9, 2005, Special City Council Minutes as distributed. This was a 6-0-1 vote, as Councilmember Knotts abstained.

Mr. Bob Burleson addressed City Council with concerns of businesses that are not handicap accessible. Mr. Burleson stated, "I commend the City of Orangeburg for its efforts in making the streets and sidewalks handicap accessible. So many places of business are not handicap accessible and nothing is more irritating than to drive to a business and get out and get in my wheel chair and wheel up a hill and there's a curb in front of the business. It is sad when you go with your family to enjoy a meal and go to the restroom and find the door isn't wide enough for a wheelchair. I came tonight to speak up for all handicap people who cannot do it for themselves. I ask the City of Orangeburg to encourage those businesses that are not handicap accessible for them to consider making themselves accessible."

Mayor Miller replied, "I commend you on your efforts and would like for you to know that in the City's next year budget, the City intends to install handicap accessible (automatic) doors in City Hall." He further noted that perhaps the Times and Democrat could do some publicity in this regard.

A motion was made by Councilmember Miller, seconded by Councilmember Jernigan, to approve the Third Reading of an Ordinance increasing the annual salaries for the Office of Mayor and Council.

Councilmember Rheney stated, "At this time I am not ready for the salary increase with the passing of a tax mill increase for the City to operate."

Councilmember Barnwell stated, "In reading over my package preparing for tonight, I think the majority of the people know my position; I would keep my mouth shut and vote my conscience, but I have to go into it a little and I would like to make one final statement and in making this statement, I would like to pass on to my fellow Councilmembers and the Mayor that I certainly respect your positions and will abide by what the majority says. I would like for you to give deep consideration to this issue. I did a little research and I know we have all heard over the years, what is the

difference between a statesman and a politician. As I can interpret it, a statesman is one that runs for political office with the intent of improving its government and the effect of that government for its constituents. A politician is one who seeks the state of politics in an attempt to perform their duties of an elected office sometimes for the purpose of personal or monetary gain. I think we all have had the opportunity to research and find out what the salary was for the respected elected offices and what was incumbered in the performance of said office, as far as time and things of that nature. We all ran for office with that understanding. Now, we sit here tonight, with third and final reading raising city taxes and at the same time raising our own salaries. I don't think this is right and I wonder what happened to the fundamental principle of what can I do for the City of Orangeburg and its constituents, as opposed to what this seat and the citizens of the City can do for me. What category can we find our self, or do we fall in, a statesman or a politician. I doubt in the years to come, anyone will remember what was said here tonight, but I promise you everyone will remember what was done here tonight."

It was a 5-2 vote to increase the annual salaries for the Mayor and Council. Councilmembers Rheney and Barnwell opposed.

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to approve the Second Reading of an Ordinance amending the Budget for the City of Orangeburg, SC, for the Fiscal Year beginning October 1, 2004, and ending September 30, 2005. This motion was unanimously approved.

A motion was made by Councilmember Rheney, seconded by Mayor Pro Tem Haire, to raise revenue and adopt a Budget for the City of Orangeburg, SC, for the Fiscal Year beginning October 1, 2005, and ending September 30, 2006.

Councilmember Miller stated, "I am in support of the Budget, but what about outside funding requests as far as their status."

City Administrator Yow responded, "I have provided you with requests from three (3) outside agencies that have requested funding, one of which is Project Positeen. I received a phone call today from CASA. Please remember no outside funding requests are in this Budget." City Administrator Yow reiterated the amount requested from Project Positeen.

Councilmember Miller amended the motion to include funding of Positeen and CASA for \$7,500.00 each for a total of \$15,000 for Fiscal Year 2005-06. There was no second to the motion, so it died.

Councilmember Miller stated, "I think the two run hand in hand. Councilmember Barnwell addressed the body as it relates to a statesman and a politician and I would like to consider myself a statesman because I don't do things behind closed doors, I stand up front. In supporting this Budget, you become a hypocrite, if you support the raise. I believe that the T&D's headline should say hypocrites, they support the raise in the back end. If you do not support the raise, you should not support the Budget. If you support the Budget, but do not support the raise, you should forfeit your raise, or forfeit the salary. Now, we would become real statesman."

The vote on the original motion was to raise revenue and adopt a Budget for the City of Orangeburg, SC., for the Fiscal Year beginning October 1, 2005, and ending September 30, 2006, was 5-1-1 with Councilmember Miller opposing and Councilmember Knotts abstaining.

A motion was made by Councilmember Jernigan, seconded by Councilmember Rheney, giving authorization to City Administrator Yow to accept the Grant Agreement from the Federal Aviation Administration in the amount of \$660,000 for re-design of apron area and construction of T-Hangars at the Orangeburg Municipal Airport. This motion was unanimously approved.

Mayor Pro Tem Haire addressed Council in regards to the traffic signal at Goff Avenue and Highway 21 Bypass. He stated, "In 1970, when the Bypass was constructed, residents in the area requested a traffic signal. The Highway Department said there was no need for a traffic light. A citizen was killed at that location. After that time, a traffic light was placed there. I am asked quite

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frequently, by citizens in the area, about the red versus the green light time be reduced. I have looked at the signal times today and the times were one minute and twenty-eight (1:28) seconds, one minute and thirty-four (1:34) seconds and one minute and twenty-six (1:26) seconds. I have looked at other areas in the City and it is not that long. There is no equality on traffic waiting on Amelia Street and the traffic on Broughton Street. I think something is wrong with this. I am surprised that Public Safety has not registered some concerns as to the traffic on Ellis Avenue and the 21 Bypass.

With the traffic at that point, you are spending an eternity waiting on a green light. I am asking Council for the Highway Department to look into reducing the amount of time for a red light on Goff Avenue and Highway 21 Bypass."

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Rheney, to authorize City Administrator Yow to contact the SCDOT to look into reducing the amount of time for a red light on Goff Avenue and the Highway 21 Bypass. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to adopt a Budget for the Department of Public Utilities for Fiscal Year beginning October 1, 2005, and ending September 30, 2006. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to enter into an Executive Session for a contractual matter concerning Time Warner Cable Franchise and a personnel matter concerning Municipal Court.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson  
City Clerk

CWJ/pfb



**CITY COUNCIL MINUTES**  
**AUGUST 30, 2005**  
**12:00 Noon**

Orangeburg City Council held a Special City Council Meeting on Tuesday, August 30, 2005, at 12:00 Noon in Council Chambers with Mayor Miller presiding. A moment of silence was observed to honor the hurricane victims in Alabama, Mississippi and Louisiana.

**PRESENT:**

Paul A. Miller, Mayor  
Charles B. Barnwell, Jr.  
Bernard Haire  
Charles W. Jernigan  
Trelvis A. Miller

**ABSENT:**

Sandra P. Knotts  
Joyce W. Rheney

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to enter into an Executive Session for a contractual matter concerning the Administrative Department. This motion was unanimously approved.

City Council returned to Open Session.

City Administrator Yow addressed Council regarding an Intergovernmental Agreement between the City of Orangeburg and four (4) other communities in the state, Bennettsville, Eastover, Greenwood and Lake City and the Coordinating Council of the South Carolina Department of Commerce. The City would be the lead municipality and the coordinating agency would be the Department of Commerce.

Councilmember Barnwell asked, "Who is the grantor?"

City Administrator Yow replied, "The South Carolina Department of Commerce."

Councilmember Barnwell stated, "As I interpret this, there is no financial commitment from the City of Orangeburg?"

City Administrator Yow replied, "There is no commitment."

Councilmember Barnwell asked, "Couldn't someone ask us for financial contributions?"

City Administrator Yow replied, "Someone could come to us."

Councilmember Barnwell asked, "In your opinion will someone likely approach the City for funding?"

City Administrator Yow replied, "Yes."

Councilmember Miller made a motion that the City enter into an Intergovernmental Agreement between the City of Orangeburg and four (4) other communities in the state, Bennettsville, Eastover, Greenwood and Lake City and the Coordinating Council of South Carolina and authorize Mayor Miller to sign and accept Agreement with the exception that the City will not make any financial contributions. This motion was seconded by Councilmember Barnwell. The vote was 2-3 with Mayor Miller, Mayor Pro Tem Haire and Councilmember Jernigan opposing.



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Mayor Pro Tem Haire made a motion for the City enter into an Intergovernmental Agreement between the City of Orangeburg and four (4) other communities in the state, Bennettsville, Eastover, Greenwood and Lake City and the Coordinating Council of South Carolina and authorize Mayor Miller to sign and accept this Agreement. This motion was seconded by Councilmember Jernigan. This was a 3-2 vote with Councilmembers Miller and Barnwell opposing.

Councilmember Miller stated, "Last week we had two local agencies that have requested funding from the City and by the show of this Council, I believe that other agencies take priority rather than local agencies or our local people that pay taxes and support our City. I am disgraced and disgusted that we would consider something of such a nature and I feel that I have been an advocate of the constituents and the business owners in Orangeburg for a long time. For us to consider this, an outside agency, we are going to be selective in deciding whether or not to fund. I feel as though this Council is making a vital mistake. We are opening Pandora's Box and if we consider funding other agencies, I believe and invite all other agencies to please request funding from the City."

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to adjourn. This motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully yours,

*Carrie W. Johnson*

Carrie W. Johnson  
City Clerk

/pfb



## CITY COUNCIL MINUTES

### September 6, 2005

Orangeburg City Council held its regularly scheduled meeting on Tuesday, September 6, 2005, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. An invocation was given by Reverend Nate McMillian of Petra Ministries International Church.

#### **PRESENT:**

**Paul A. Miller, Mayor**  
**Charles B. Barnwell, Jr.**  
**Bernard Haire**  
**Charles W. Jernigan**  
**Sandra P. Knotts**  
**Trelvis A. Miller**  
**Joyce W. Rheney**

Mayor Miller presented Reverend Nate McMillian the Community Character Trait Proclamation for the month of September 2005, "Safety".

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell to enter into an Executive Session for a contractual matter concerning Time Warner Cable Franchise. This motion was unanimously approved.

A motion was made by Councilmember Miller, seconded by Councilmember Barnwell, to return to the Open Session meeting. This motion was unanimously approved.

A motion was made by Councilmember Knotts, seconded by Councilmember Rheney, to approve the August 16, 2005, City Council Minutes as distributed. This motion was unanimously approved.

A motion was made by Councilmember Miller, seconded by Councilmember Jernigan, to approve the August 30, 2005, Special City Council Minutes. This was a 5-0-2 vote, Councilmembers Rheney and Knotts abstained as they were not present at the meeting.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the Third Reading of an Ordinance amending the Budget for the City of Orangeburg, SC, for the Fiscal Year beginning October 1, 2004, and ending September 30, 2005. This motion was unanimously approved.

A motion was made by Councilmember Rheney, seconded by Mayor Pro Tem Haire, to raise revenue and adopt a Budget for the City of Orangeburg, SC, for the Fiscal Year beginning October 1, 2005, and ending September 30, 2006. This was a 6-1 vote as Councilmember Miller opposed.

City Attorney Walsh advised Council on the progress that has been made on the franchise renewal. City Attorney Walsh stated, "Negotiations have been ongoing between Time Warner and the City through conference calls. We had a franchise extension through September 7, 2005. This would be the last extension and it would be on the agenda tonight. We are in a position now that we have narrowed it down to sixteen items that need to be addressed and try to negotiate if we are given additional time. I will say that negotiations are ongoing and progress is being made and, I would suggest that we extend the current franchise until the first meeting in November, which will be November 2, 2005, and put on the agenda for a third reading on October 18, 2005."

Councilmember Miller stated, "I am tired of being sick and tired. We need to pass out our own Agreement. We can't get blood out of a turnip."

Mayor Pro Tem Haire asked, "When did we start this process as formal vs. informal?"

City Attorney Walsh stated, "March 15."

Mayor Pro Tem Haire stated, "Since March 15, we have submitted to Time Warner and Time

Warner has been dragging their feet. It would seem that Time Warner has professed to be a good corporate citizen, but they have not dealt fairly with the citizens and Council. They have been dragging their feet. It has taken far too long for Time Warner to come to some conclusion with this Agreement."

Councilmember Barnwell stated, "No franchise was sent to us, we sent one to them. I will not vote unless it is worked out by November 1<sup>st</sup>."

A motion was made by Councilmember Jernigan, seconded by Councilmember Miller, to extend the current Franchise Agreement with Time Warner until November 2, 2005, and put on the agenda for third reading on October 18, 2005. The vote was unanimous.

Ms. Liz Keitt, Director of Project Life Positeen addressed Council in regards to a funding request. She stated, "There are three sites in Orangeburg; Brookdale, Alpha Kappa Alpha and at 349 Summers. Each site holds fifty (50) or more students and 52% are on the honor roll. We have nine part-time employees and we are an enrichment program that teaches students what the school system cannot teach them. We have children from K-5 through sixteen years old. It is a safe environment that the children can go to. We help the students do better in the classroom. We obtain funding from grants, donations and from parents."

Councilmember Miller stated, "I think your program is fantastic, training future leaders is essential. I want Council to be objective to not just be subjective. I believe we shouldn't be selective and be open minded. I feel that project Life Positeen would be happy with \$5,000. It's a world issue, look at the whole picture. We need to support local agencies since we already started the revolving door."

Councilmember Barnwell asked, "What is the amount of your outside funding?"

Ms. Keitt replied, "About \$28,000."

Councilmember Jernigan asked, "Does the school system support you?"

Ms. Keitt replied, "They support us with a room and materials, such as desks and we don't have to pay for utilities."

Councilmember Jernigan asked, "Do they offer any financial support?"

Ms. Keitt replied, "No."

Councilmember Barnwell asked, "You don't feel that the school district is responsible?"

Ms. Keitt replied, "Everyone has to take responsibility."

Councilmember Rheney asked, "Do you still have students that come in and assist like you did before?"

Ms. Keitt stated, "Yes, we have students from SC State, Claflin and Orangeburg Calhoun Technical College that come in and help."

Councilmember Jernigan asked, "How many students are in the program?"

Ms. Keitt stated, "There are about 200 students."

Councilmember Rheney stated, "I have been to the school and I have been to your banquet and I have seen the behavior of these children and it is great. If I had a million dollars personally, I would give it to you."

A motion was made by Councilmember Miller to fund Project Life Positeen in the amount of \$5,000, seconded by Mayor Pro Tem Haire.

Councilmember Rheney stated, I would love to give the money, but when we were working on the budget there were things that were cut because we didn't have the money due to budget cuts and the economy and we had to cut services and other items. I think that what we have should stay to fund City projects. I would love to give you a big check but not with City money."

Councilmember Barnwell stated, "I concur with Councilmember Rheney. I think that what you and your organization is doing is great but with the gas prices increasing, we don't know what the future holds. Our budget decreased 20% and we have to be financially prudent. We increased our taxes by 6 mills to cover our economic position. I would love to fund it, but I feel we can't do it with City funds when we already cut out many items from the budget."

Councilmember Knotts stated, "Not to sound redundant, I made a comment that was a catch all. When you decide to do for one and not for others, that is morally wrong. It is really disheartening. I understand about making sacrifices as it relates to the City of Orangeburg, but as it has already been stated, these children are our future. These children are future City Council persons that are going to replace each one of us. I will let you let your conscious handle your decision."

Mayor Pro Tem Haire stated, "This Council has not stepped up to the plate on a number of things I am disappointed in that. There has been a situation that has been mind boggling that has occurred. I am referring the Gulf situation. We make excuses for everything that we think that is morally right. Some of us have pointed out the millage increase we had to raise. Some of us have forgotten what we did several months ago. Some of us have forgotten what we have been gifted with some months ago. It is not fair to say, we have no funds. We were given a settlement, there are dollars that can be used for what is being asked of us. Please don't tell me there isn't, that we had to scratch here and scratch there. I would hope that this Council, as a whole, in addition to what is being asked to Councilmember's Miller's request, I think we need to take some leadership as to what has happened in the Gulf. We need to step up and support the request. Let's take some leadership and stop dodging and ducking."

Councilmember Miller stated, "Excuses are tools of the incompetent that goes to build monuments of nothingness. Those who specialize in them seldom accomplish anything."

The vote on funding for Project Life Positeen was 3-4 as Mayor Miller, Councilmembers Rheney, Jernigan and Barnwell opposed.

Mayor Miller commented that he would make a personal donation to Project Life Positeen and that he will assist in a big fund raiser in order to raise maybe more than \$5,000. I think the citizens of Orangeburg will rally around and value what you are doing. I will personally take my time to help you organize something that you can raise some money.

Councilmember Rheney stated she would also help in this endeavor.

Mayor Miller also commented that the City and other organizations are in the works to organize a fundraiser and get the ball rolling for the hurricane victims in Orangeburg.

Councilmember Miller addressed Council in regards to a funding request from CASA. There was no representative present from CASA. Councilmember Miller stated, "CASA works in conjunction with the Sheriff's Office and the Department of Public Safety and they deal with battered women. For me to elaborate in great details of their specialty, I think I would cut myself short. Although, I know in my heart, this is not going to pass, I am going to try and keep trying because I am for equality, black, white, brown, yellow, old or young. I am for equality and this Council seems to be adverse to equality. You might not like the words I select, but I select the truth. I will always speak the truth. I am going to ask for \$5,000 for CASA.

A motion was made by Councilmember Miller, seconded by Mayor Pro Tem Haire, to fund CASA in the amount of \$5,000. This was a 3-4 with Mayor Miller, Councilmembers Barnwell, Jernigan and Rheney opposing.

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Councilmember Barnwell stated, "I will challenge the Mayor and every member on this Council. Recently, we voted ourselves a pay increase. I am willing to give a percentage of this increase to each organization and I encourage every other Councilmember and the Mayor to do the same and that will show you the true character and who will not give from their heart as an individual and not the taxpayer's money, and I put that in the form of a motion." There was no second to the motion.

Mayor Pro Tem Haire stated, "If your heart is in the right place, irregardless to what someone else does, you would do what is right. If it is not right for you to give your portion of your salary because others don't give, that is hypocritical."

Ms. Keitt stated, "We look bad here tonight. Did you notice who voted and how the Board went? When you gave to the Samaritan House and Healing Species, did you notice who voted? I know what is happening here. The vote was not fair tonight."

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Rheney, to approve a Resolution committing the required 5% matching funds for Community Development Block Grant Neighborhood Revitalization in the Boswell Neighborhood. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Rheney, authorizing the City to accept a Rural Infrastructure Grant from the SC Department of Commerce related to the Magic Johnson Foundation Empowerment Center. This motion was unanimously approved.

There was discussion on the rescheduling of the time for the September 20, 2005, City Council Meeting. It was decided to reschedule the meeting for September 20, 2005, at 12:30 P.M. instead of 7:00 P.M.

A motion was made by Mayor Miller, seconded by Councilmember Miller, to change the time of the September 20, 2005, City Council Meeting to 12:30 P.M. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the Third Reading of an Ordinance to adopt a Budget for the Department of Public Utilities for Fiscal Year October 1, 2005, through September 30, 2006.

A motion was made by Councilmember Miller, seconded by Mayor Pro Tem Haire, to adjourn. This motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson  
City Clerk

CWJ/pfb



ØVOID



ØVOID



ØVOID





## RESOLUTION

### COMMUNITY DEVELOPMENT BLOCK GRANT NEIGHBORHOOD REVITALIZATION IN THE BOSWELL NEIGHBORHOOD

**WHEREAS,** the City of Orangeburg, Orangeburg County, South Carolina desires to improve and to provide safer living conditions for the citizens of the City; and

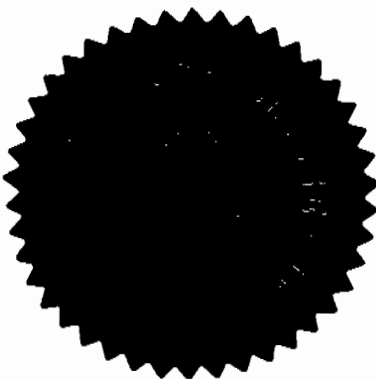
**WHEREAS,** the City of Orangeburg, Orangeburg County, South Carolina is applying for a Community Development Block Grant Neighborhood Revitalization in the Boswell Neighborhood; and,

**WHEREAS,** the City of Orangeburg, Orangeburg County, South Carolina must supply matching funds for a Community Development Block Grant.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of Orangeburg, South Carolina, in Council duly assembled and by the authority thereof, that the City of Orangeburg is committing the required 5% matching funds.

**BE IT FURTHER RESOLVED** that the City Administrator is authorized to sign and execute all other documents relating thereto.

**PASSED BY** the City Council of the City of Orangeburg, South Carolina on this 6th day of September 2005.



Paul A. Miller  
Mayor  
James B. Brumfield  
Charles B. Brumfield  
John D. Brumfield  
James B. Brumfield  
James B. Brumfield  
James B. Brumfield  
Council Members

Attest: Carrie H. Johnson  
City Clerk

**RESOLUTION TO EXTEND THE FRANCHISE AGREEMENT BETWEEN THE CITY  
OF ORANGEBURG AND TIME WARNER ENTERTAINMENT-  
ADVANCE/NEWHOUSE, A NEW YORK GENERAL PARTNERSHIP, D/B/A TIME  
WARNER CABLE, DATED MAY 4, 1995 FOR AN ADDITIONAL TERM AND  
EXPIRING ON NOVEMBER 2, 2005**

**WHEREAS**, Time Warner Entertainment-Advance/Newhouse, a New York General Partnership, d/b/a Time Warner Cable ("Time Warner") currently holds a cable television franchise awarded by the City, which authorizes Time Warner to provide cable services within the City ("Franchise"); and

**WHEREAS**, said franchise was extended for an additional year, expiring on May 31, 2005, under Standstill Agreement between the City and Time Warner dated May 27, 2004 for the purpose of utilizing the informal franchise renewal process described in § 626(h) of the Cable Act 47 U.S.C. § 546 (h); and

**WHEREAS**, on March 15, 2005 the City submitted a franchise renewal to Time Warner; and

**WHEREAS**, first and second reading of an ordinance granting said franchise renewal for a term of ten (10) years was held on April 5, 2005 and April 19, 2005, respectively; and

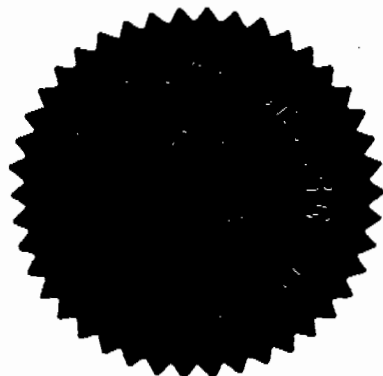
**WHEREAS**, as a result of said submittal by the City, Time Warner reviewed said franchise renewal as submitted by the City and by letter dated April 14, 2005 submitted said franchise renewal agreement with proposed revisions and requested that the City and representatives of Time Warner enter into franchise renewal negotiations prior to the required third reading of the franchise ordinance; and

**WHEREAS**, the City consented to said negotiations and now wishes to further extend the existing franchise agreement for said purposes;

**NOW THEREFORE BE IT RESOLVED BY COUNCIL DULY ASSEMBLED**, that the existing franchise agreement between the City of Orangeburg and Time Warner Entertainment-Advance/Newhouse, a New York General Partnership, d/b/a Time Warner, dated May 4, 1995 is hereby extended for an additional period expiring on November 2 2005 for the purpose of additional franchise renewal negotiations.

**BE IT FURTHER RESOLVED**, that John H. Yow, City Administrator is hereby authorized and directed to enter into a franchise extension agreement extending the existing franchise for the purpose and time as set forth above; provided that Time Warner agrees to said extension and agrees to continue to provide cable services within the corporate limits of the City of Orangeburg under the terms, conditions and limitations as contained in the existing franchise agreement between the City and Time Warner.

**DONE AND RATIFIED BY THE CITY OF ORANGEBURG, STATE OF SOUTH CAROLINA THIS 6 DAY OF SEPTEMBER, 2005.**



Paul G. Min  
Mayor  
Joseph H. Roney  
James A. Miller  
Charles B. Brown  
Sandra C. Feltz  
John H. Yow  
Councilmembers

ATTEST: Carroll Johnson  
City Clerk





## RESOLUTION OF CITY OF ORANGEBURG

### A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER LEASE AGREEMENT, EQUIPMENT SCHEDULE, AND ESCROW AGREEMENT, AND RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

**BE IT RESOLVED** by the governing body of the City of Orangeburg (the "Lessee"), at a duly called meeting of the governing body held on September 20, 2005, the following resolution was introduced and adopted:

**RESOLVED**, whereas the governing body of Lessee has determined that a true and very real need exists for the acquisition of Various Equipment as described in the Request for Proposal (the "Equipment"), the Lessee desires to finance the Equipment, in the amount of \$ 462,400 at 2.950% APR for three (3) years, by entering into an Equipment Lease Purchase Agreement with South Carolina Bank and Trust as Lessor and the City of Orangeburg as Lessee (the "Agreement") according to the terms set forth in the Bid Proposal from South Carolina Bank and Trust, presented at the board meeting; and the Equipment will be used by the Lessee for the following purpose: To provide new and cost efficient equipment for the operation of City government.

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

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

**BE IT RESOLVED**, by the governing body of the lessee that:

The terms of said Agreement are in the best interests of Lessee for the acquisition of such Equipment and the governing body of Lessee designates and confirms the following person(s) to execute and deliver, and to witness (or attest), respectively, the Agreement and any related documents necessary to the consummation of the transactions contemplated by the Agreement.

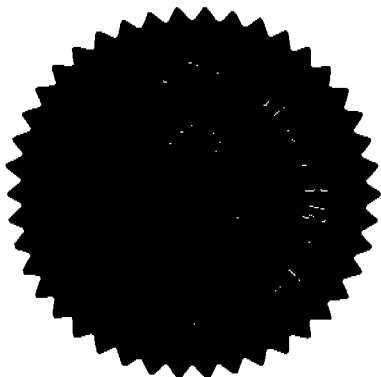
Name and Title of Person(s) to Execute Agreement:

**John H. Yow, City Administrator**

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

The undersigned further certifies that the above resolution has not been repealed or amended and remains in full force and effect and further certifies that the above and foregoing Agreement is the same as presented at said meeting of the governing body of Lessee.

BASSED BY ORANGEBURG CITY COUNCIL THIS 20th DAY OF SEPTEMBER 2005. ,



Paul A. Miller  
Paul A. Miller, Mayor

Sandra P. Smith  
Charles B. Brumley  
Chad Dugan  
Joyce W. Kennedy

ATTEST:

Carrie H. Johnson  
City Clerk



## City of Orangeburg

P. O. DRAWER 387  
ORANGEBURG, SOUTH CAROLINA 29116-0387  
803-533-6000 Fax: 803- 533-6007

TO: John H. Yow, City Administrator  
FROM: Warren T. Harley, Assistant City Administrator *WTH*  
RE: Capital Equipment Lease Purchase FY 2004-2005 Bid Tabulations

Please find below the bids received on **Thursday, September 8, 2005.**  
Bids are as follows:

South Carolina Bank and Trust	2.950 % APR (low bidder)
BB & T	3.31 %APR
Bank America Leasing & Capital LLC	3.549 %APR
Ashford Capital Corp	3.68 %APR
National City Municipal Finance	3.760 %APR
LaSalle National Leasing Corp	3.78 %APR
First Citizens Bank	3.943 %APR

### Items included in lease:

Six Vehicles (Police Package)	142,000
Brush Fighting Apparatus	40,000
Utility Vehicle	21,000
1/2 Ton Pick-Up	12,500
Mower	16,000
Mower-72"	12,000
Upfront Mower	15,200
1/2 Ton Pick-Up	12,700
Vehicle-Stratus	17,500
Residential Garbage Truck	150,000
Vehicle-K-9 Unit	23,500
<b>Total</b>	<b>462,400</b>
<b>for 3 Years @ 2.950%</b>	

WARREN T. HARLEY  
ASSISTANT CITY ADMINISTRATOR

## **CITY COUNCIL MINUTES**

### **September 20, 2005**

Orangeburg City Council held its regularly scheduled meeting on Tuesday, September 20, 2005, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. An invocation was given by Minister Toni Pipkins of First Baptist Church.

#### **PRESENT:**

**Paul A. Miller, Mayor**  
**Charles B. Barnwell, Jr.**  
**Charles W. Jernigan**  
**Sandra P. Knotts**  
**Joyce W. Rheney**

#### **ABSENT:**

**Bernard Haire**  
**Trelvis A. Miller**

A motion was made by Councilmember Jernigan, seconded by Councilmember Rheney, to approve the September 6, 2005, City Council Minutes as distributed. This motion was unanimously approved.

Mayor Miller announced the Community of Character Conference to be held on September 27-28, 2005, at 9:00 A.M. at the Cinema Room. Also, Councilmembers were invited to attend the City's Benefit's Fair at the Fine Arts Center on October 20, 2005, from 9:00 A.M. through 1:00 P.M.

A motion was made by Councilmember Jernigan, seconded by Councilmember Rheney, to approve a Resolution for Lease Purchase Financing in the amount of \$462,400 with SC Bank and Trust for capital equipment. This motion was unanimously approved.

Discussion was held on giving City Administrator Yow authority to accept a SC Department of Public Safety Grant for Criminal Domestic Violence Investigations in the amount of \$38,725. Councilmember Rheney asked if the vehicle was deleted from the Grant. DPS Director Davis stated, "It was taken out on the state level."

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to give City Administrator Yow authorization to accept a SC Department of Public Safety Grant for Criminal Domestic Violence Investigations in the amount of \$38,725. This motion was unanimously approved.

Discussion was held on a FEMA Grant in the amount of \$157,500, which will be used to fund a Compressor Cascade System and SCBA's. City Administrator Yow stated that receiving this Grant will actually save taxpayers over \$157,000 in equipment that the City would normally have to fund.

A motion was made by Councilmember Rheney, seconded by Councilmember Knotts, to approve giving authorization to City Administrator Yow to accept a FEMA Grant in the amount of \$157,500 for fire equipment. This motion was unanimously approved.


Concerning the Department of Public Utilities, there were no matters brought before Council.

A motion was made by Councilmember Barnwell, seconded by Councilmember Rheney, to enter into an Executive Session for the Purchase and Sale of Real Property concerning the following:

- A. Administration Department and Department of Public Utilities
- B. Parks and Recreation Department
- C. Administrative Department
- D. Department of Public Safety

There being no further business, the meeting was adjourned.

Respectfully submitted,

  
Carrie W. Johnson  
City Clerk

/pb



## CITY COUNCIL MINUTES

### October 4, 2005

Orangeburg City Council held its regularly scheduled meeting on Tuesday, October 4, 2005, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. An invocation was given by Roger Brant, Director of the Service Department.

#### **PRESENT:**

**Paul A. Miller, Mayor**  
**Charles B. Barnwell, Jr.**  
**Bernard Haire**  
**Charles W. Jernigan**  
**Sandra P. Knotts**  
**Trelvis A. Miller**  
**Joyce W. Rheney**

City Attorney Walsh performed the swearing in of the successful candidates from the September 13, 2005, City election. Those who took the Oath of Office were, Mayor Miller, Councilmembers Barnwell, Miller and Rheney.

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to approve the September 20, 2005, City Council Minutes as distributed. This was a 5-0-2 vote as Mayor Pro Tem Haire and Councilmember Miller were not present at the meeting.

Mayor Miller presented the October 2005, Character Trait Proclamation, "Perseverance" to Mr. Dave Coleman, President of the Orangeburg County Chamber of Commerce.

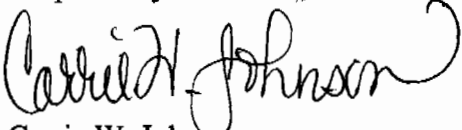
City Administrator John H. Yow gave an update on the proposed railroad relocation and pedestrian overpass. Council was informed that a RFP has been issued on these projects.

Concerning the Department of Public Utilities, there were no matters brought before Council.

A motion was made by Councilmember Rheney, seconded by Mayor Pro Tem Haire, to enter into an Executive Session for a personnel matter concerning the Municipal Court.

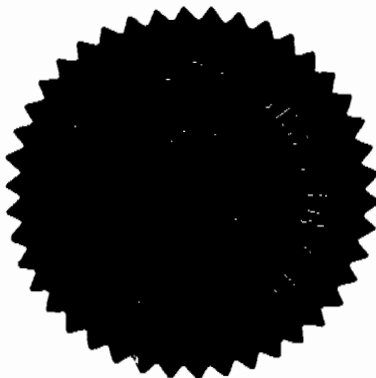
There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson  
City Clerk

/pfb



## CITY COUNCIL MINUTES

### October 18, 2005

Orangeburg City Council held its regularly scheduled meeting on Tuesday, October 18, 2005, at 7:00 P.M., in Council Chambers with Councilmember Haire presiding. An invocation was given by Reverend Larry McCutcheon.

**PRESENT:**

**Bernard Haire**  
**Charles W. Jernigan**  
**Sandra P. Knotts**  
**Trelvis A. Miller**

**ABSENT:**

**Paul A. Miller, Mayor**  
**Charles B. Barnwell, Jr.**  
**Joyce W. Rheney**

Councilmember Jernigan made a motion to re-elect Councilmember Haire as Mayor Pro Tem, seconded by Councilmember Miller. The vote was 3-0 as Councilmember Haire excused himself from the vote.

A motion was made by Councilmember Miller, seconded by Councilmember Jernigan, to approve the October 4, 2005, City Council Minutes as distributed. This motion was unanimously approved.

City Attorney Walsh provided Council on an update on the Time Warner Cable Franchise renewal. City Attorney Walsh stated, "I am happy to advise that we met in Columbia with representatives of Time Warner and we have made significant progress. There are still a few areas that need to be resolved and we should have it ready for third reading at November 1, 2005, meeting following a Public Hearing on the same matter."

City Administrator John H. Yow, updated Council on the response from the SC Department of Transportation regarding the timing (phases) of the traffic signal at the intersection of US 21/178 Bypass and Goff Avenue. City Administrator Yow stated, "The response is self explanatory, it reports small improvements and what would happen if a significant change would occur at this light in regard to traffic flow on Chestnut Street."

Councilmember Knotts stated that as of last Friday she could see no change in the signal timing.

City Administrator Yow stated that he would send someone from the City to time the phases.

A motion was made by Councilmember Jernigan, seconded by Councilmember Miller, to approve the purchase of a residential sanitation truck from Southern Truck Services in Charlotte, North Carolina, in the amount of \$138,120. This motion was unanimously approved.

A motion was made by Councilmember Miller, seconded by Councilmember Jernigan, to approve the First Reading of an Ordinance to set Suburban Fire Protection Rates as authorized under Section 18-4.2 of the Code of Ordinances of the City of Orangeburg, South Carolina. This motion was unanimously approved.


Council received, as information, a proposed Emergency and Disaster Planning/Response Ordinance, which will be presented at the November 1, 2005, City Council Meeting.

There were no utility matters brought before Council.

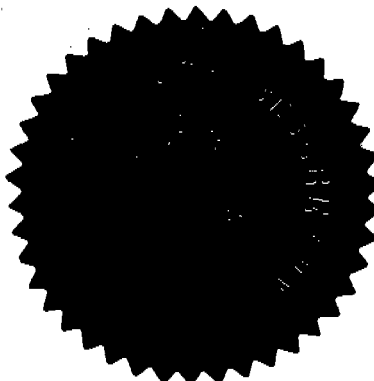
A motion was made by Councilmember Miller, seconded by Councilmember Jernigan, to enter into an Executive Session concerning a legal matter regarding the Time Warner Cable Franchise. This motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,

  
Carrie W. Johnson  
City Clerk

/pfb





# OATH

"As Councilmember of the municipality of the City of Orangeburg, South Carolina, I will equally, fairly, and impartially, to 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, the purposes for which I have been elected. So help me God."

"I do solemnly swear or affirm that I am duly qualified, according to the Constitution of the 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 the State of South Carolina and of the United States of America. So help me God."



*Paul A. Miller*

Mayor Paul A. Miller

*10-4-05*

Date

Sworn before me this 4th Day  
of October, 2005.

*Paulette F. Blackwell*  
Paulette F. Blackwell  
Notary Public

My Commission expires 06-19-07

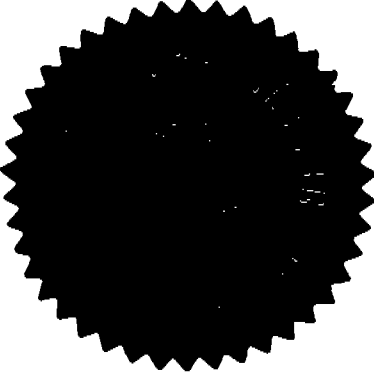
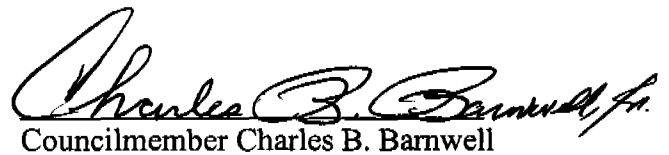




# OATH


"As Councilmember of the municipality of the City of Orangeburg, South Carolina, I will equally, fairly, and impartially, to 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, the purposes for which I have been elected. So help me God."

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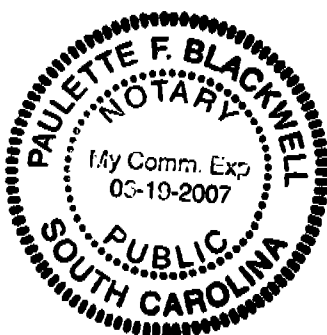
  
  
Councilmember Charles B. Barnwell

Oct 14, 2005  
Date

Sworn before me this 4th Day  
of October, 2005.

  
Paulette F. Blackwell  
Notary Public

My Commission expires 06-19-07



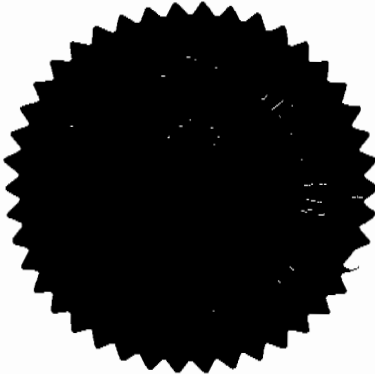
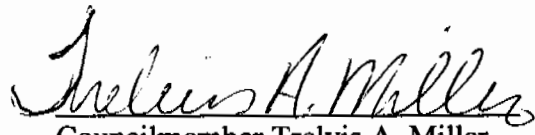




# OATH

"As Councilmember of the municipality of the City of Orangeburg, South Carolina, I will equally, fairly, and impartially, to 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, the purposes for which I have been elected. So help me God."

"I do solemnly swear or affirm that I am duly qualified, according to the Constitution of the 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 the State of South Carolina and of the United States of America. So help me God."

  
  
Councilmember Trelvis A. Miller

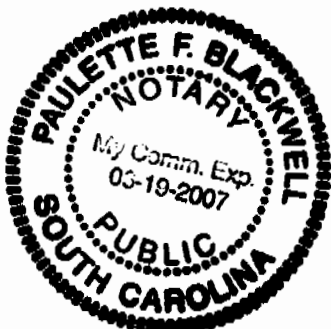
10-4-05

Date

Sworn before me this 4th Day  
of October, 2005.

  
Paulette F. Blackwell  
Notary Public

My Commission expires 06-19-07

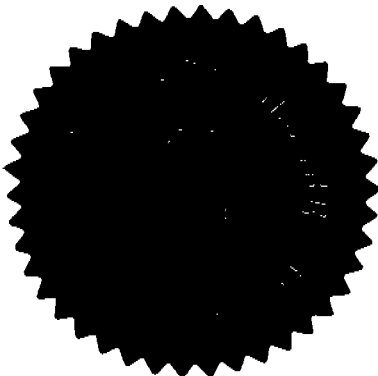


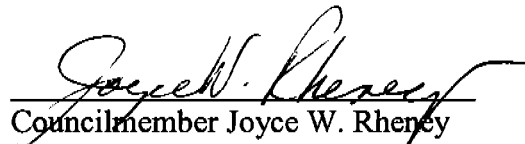


# OATH

"As Councilmember of the municipality of the City of Orangeburg, South Carolina, I will equally, fairly, and impartially, to 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, the purposes for which I have been elected. So help me God."

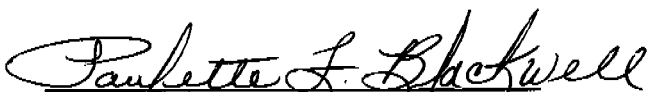
"I do solemnly swear or affirm that I am duly qualified, according to the Constitution of the State, to exercise the duties of the office, to which I have been elected, and that I will to the best of my ability, discharge the duties thereof and preserve, protect and defend the Constitution of the State of South Carolina and of the United States of America. So help me God."



  
Councilmember Joyce W. Rheney

Oct. 4, 2005  
Date

Sworn before me this 4th Day  
of October, 2005.

  
Paulette F. Blackwell  
Notary Public

My Commission expires 06-19-07



## **CITY COUNCIL MINUTES**

### **November 1, 2005**

Orangeburg City Council held its regular scheduled meeting on Tuesday, November 1, 2005, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. An invocation was given by Roger D. Brant, Director of the Service Department.

**PRESENT:**

**Paul A. Miller, Mayor**  
**Charles B. Barnwell, Jr.**  
**Bernard Haire**  
**Charles W. Jernigan**  
**Sandra P. Knotts**  
**Trelvis A. Miller**  
**Joyce W. Rheney**

An appearance was made by South Carolina State University's Men's and Women's Tennis Teams and they were each presented a Proclamation by Mayor Miller proclaiming November 1, 2005, as Bulldogs Appreciation Day and Lady Bulldogs Appreciation Day in the City of Orangeburg.

Mayor Miller recognized the journalism class from Claflin University at the Council meeting.

A Public Hearing was held to adopt an Amended Ordinance to renew Cable Service Franchise of Time Warner Entertainment-Advance/Newhouse, a New York general partnership, d/a Time Warner Cable for a term of ten (10) years.

Comments were received on the Public Hearing as follows:

Greg Carson from Orangeburg Consolidated School District 5 stated, "I just want to make sure that we are still part of the agreement in regards to the government access channel and I don't know how the Agreement has been amended?"

City Administrator Yow responded, "The franchise still calls for the government access channel."

City Attorney Walsh stated, "There is \$12,000 for capital costs also."

Mayor Miller stated, "I received in the mail a notice from Time Warner that cable rates were going to increase and in the State Newspaper today, there was an article that rates were increasing in Richland, Lexington, Sumter and Orangeburg Counties. I understand that you have to try to make money, but in view of the fact that we have been working on this Franchise Agreement for such a long time, it is just a little distressing to me that this rate increase is going up almost 5% in Orangeburg and we have been in negotiations for such a long time."

Councilmember Barnwell asked Mr. Bud Tibshrary, Vice President of Public Affairs for Time Warner Cable, if rates were increasing in Horry County and others.

Mr. Tibshrary stated, "I don't have the listing of whose rates are going up with me, but the Orangeburg rates are lower than our Columbia rates and Orangeburg customers receive the same technology and services as in the Columbia area and that was in the State Newspaper this morning."

Councilmember Miller stated that the cost of living is a lot higher in Columbia than in Orangeburg.

Mr. Tibshrary stated, "We look at the cost of us doing business and the services we provide; however, the Orangeburg rates are still lower than in Columbia. We provide the same services in Orangeburg as in Columbia even though we updated our system with advanced technology."

Hearing no further comments, the Public Hearing was closed.

Page 2

City Council then entered into the regularly scheduled meeting.

Councilmember Barnwell thanked everyone for the well wishes, cards, food & flowers that he received while he was out for medical reasons.

A motion was made by Councilmember Knotts, seconded by Councilmember Jernigan, to approve the October 18, 2005, City Council Minutes, as corrected. This was a 4-0-3 vote as Mayor Miller, and Councilmembers Rheney and Barnwell abstained as they were not present at the meeting.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to enter into an Executive Session for Time Warner Cable Service Franchise.

A motion was made by Councilmember Jernigan, seconded by Councilmember Miller, to return to Open Session. This motion was unanimously approved.

City Attorney Walsh addressed Council, "As you know we have been in negotiations with Time Warner for some time and we ended up with three items that we did not resolve and we were not able to resolve them as of tonight. The franchise is effective thirty days after third reading, at that time City Administrator Yow will sign the franchise on behalf of the City and send it to Time Warner for their signature and once it is signed, we will then have a cable franchise non-exclusive; it would also have the effect of extending our present franchise up until this one is signed and there will be no gap without a franchise. The term is for ten years and is a non-exclusive franchise. It is inclusive of all revenues but it does not include launch fees, which are fees paid to cable operators to begin to provide programs. Launch fees are excluded from gross revenue. Customer complaints will be handled by a call center according to FCC regulations to respond to questions. The system extension is one of the items that cannot be resolved as Time Warner wanted to reduce it to 125 feet but it will remain at 300 feet. Time Warner will provide to the City the ability to activate the emergency alert system. The franchise provides for a government access channel and provides grant funds of \$12,000 per year during the term. This is one of the items that could not be resolved, it remains at \$12,000 per year for capital expenditures. The third item that we were not in agreement with is what we had in our previous franchise agreement, that Time Warner will pay transfer fees and renewal fees. Time Warner objected to both of these and what we negotiated would retain the transfer fees and it remains in the franchise agreement. We don't have the authority to regulate rates, that is governed by the Federal Cable Act."

Mayor Miller thanked City Administrator Yow and City Attorney Walsh for their hard work and numerous hours spent on this Agreement.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the Third Reading of an Ordinance granting a Cable Service Franchise to Time Warner Cable Entertainment for a term of ten years. This motion was unanimously approved.

City Administrator Yow addressed Council on the Suburban Fire Protection Rates in regards to raising the rates for fire contracts as budgeted. He stated, "The rate increase for contracts outside the City is needed to offset costs for providing the service. A large majority of emergency calls come from the suburban areas. This will spread the cost to the outside areas and this increase will go into effect with the new contracts in March. Council has gone on record that the City hopes a special tax district will be formed outside the City by next year so that fire contracts will be eliminated. One fire station has been constructed outside the City and a second one is currently under construction. Seven new personnel have been added to staff these and the two stations also require two new pumpers."

A motion was made by Councilmember Barnwell, seconded by Councilmember Knotts, to approve the Second Reading of an Ordinance to set Suburban Fire Protection Rates as authorized under Section 18-4.2 of the Code of Ordinances of the City of Orangeburg. This motion was unanimously approved.



## RESOLUTION

### To Adopt the National Incident Management System (NIMS)

#### DESIGNATION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AS THE BASIS FOR ALL EMERGENCY/INCIDENT RESPONSE AND MANAGEMENT IN THE CITY OF ORANGEBURG, SOUTH CAROLINA.

**WHEREAS**, the President, in Homeland Security Directive (HSPD)-5, directed the Secretary of the Department of Homeland Security to develop and administer a national Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State local and tribal governments to work together more efficiently and effectively to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity; and,

**WHEREAS**, the Governor of the State of South Carolina has similarly endorsed NIMS by proclaiming it the official basis for management of incident response in the State of South Carolina; and

**WHEREAS**, it is necessary and desirable that all Federal, State, local and tribal emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and,

**WHEREAS**, HSPD-5 requires Federal departments and agencies to make adoption of the NIMS by State, tribal and local organizations a condition for Federal preparedness assistance beginning in fiscal year 2005; and,

**WHEREAS**, to facilitate the most efficient and effective incident management it is critical that Federal, State, local and tribal organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters; and,

**WHEREAS**, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the City of Orangeburg's ability to utilize federal funding to enhance local and state agency readiness, maintain first responder safety, and streamline incident management processes.

**NOW, THEREFORE, I**, Paul A. Miller, Mayor of the City of Orangeburg, by the virtue of the authority vested in me, do hereby establish the National Incident Management System (NIMS) as the standard for incident management in the City of Orangeburg on this 10<sup>th</sup> day of November, 2005.

*Paul A. Miller*

MAYOR

*Samuel Haire*  
*Sandra P. Knott*  
*Charles B. Bandy*  
*Mark D. ...*  
*Paul D. ...*  
*Charles A. Miller Jr.*

COUNCIL MEMBERS

ATTEST:

*Carroll Johnson*  
CITY CLERK

Page 3

A motion was made by Councilmember Jernigan, seconded by Councilmember Rheney, to approve the First Reading of an Ordinance to establish Emergency and Disaster Planning and Response. This motion was unanimously approved.

A motion was made by Councilmember Jernigan, seconded by Councilmember Barnwell, to approve a Resolution to adopt the National Incident Management System (NIMS). This motion was unanimously approved.

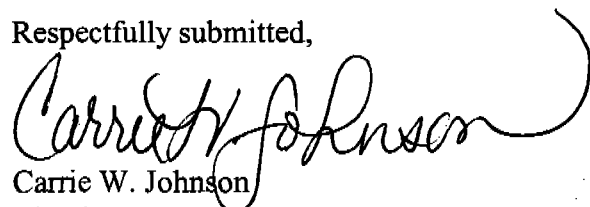
A motion was made by Mayor Miller to name the City Park on Maxcy Street in honor of the late Rosa Parks, who passed away last week. She was a forerunner of the civil rights movement. This motion was seconded by Mayor Pro Tem Haire and was unanimously approved.

There were no matters pertaining to the Department of Public Utilities.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to enter into an Executive Session for a legal matter concerning the Municipal Court.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson  
City Clerk

/pfb



## CITY COUNCIL MINUTES

### November 15, 2005

Orangeburg City Council held its regular scheduled meeting on Tuesday, November 15, 2005, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. An invocation was given by Councilmember Knotts.

#### **PRESENT:**

**Paul A. Miller, Mayor**  
**Charles B. Barnwell, Jr**  
**Bernard Haire**  
**Charles W. Jernigan**  
**Sandra P. Knotts**  
**Joyce W. Rheney**

#### **ABSENT:**

**Trelvis A. Miller**

A motion was made by Councilmember Knotts, seconded by Mayor Pro Tem Haire, to approve the November 1, 2005, City Council Minutes as distributed. This motion was unanimously approved.

Reverend Larry McCutcheon, Minister of Trinity United Methodist Church, addressed Council. "The train has long been a blessing and a curse to our church. We have to deal with the train during worship services, funerals and weddings. I have noticed that the speed of the trains has increased and we are constantly sweeping up plaster. However, it is the homecoming incident that really concerns me. I was standing in front of the church in front of South Carolina State University and I did not hear that train come through that Saturday until it was right in front of our Administration Building. I thought to myself, what might happen if that train did not slow down. I wish to thank City Council for their past involvement with the trains and I know because of the laws, City Council has very little power to deal with the trains because of Federal rules and regulations. I wish to encourage City Council to invite Norfolk Southern Railways to a Public Hearing in Orangeburg and allow those of us that are affected by the train to discuss how the trains affect us. I would like to say, at least that we encourage them to slow up. I didn't realize that a train could come through a populated area so quickly. I also have a concern that sometimes there are train cars parked on the tracks and I have no idea what are in the cars. I am very concerned about that also. I observed last week three cars parked for one-half of a day."

Councilmember Barnwell asked, "Did you hear a whistle at all?"

Reverend McCutcheon replied, "The first time that I realized that the train was coming was when I looked back and what I was looking at was the conductor's face, I didn't hear a thing. I didn't hear any whistle and it may have been due to the bands. The train was long and the face of the conductor looked like he didn't know what was going to happen."

Councilmember Barnwell asked, "Did you hear any applying of the brakes?"

Reverend McCutcheon responded, "I didn't hear anything and it did not slow down. It continued at its normal speed."

City Administrator Yow addressed Council and stated, "One of the solutions would be that the trains go back to 15-20 mph. We realize that we have parades scheduled in the near future and the Department of Public Safety has immediately begun faxing parade permits to Norfolk Southern stating the dates of the parades, time and duration. They have indicated that they will try not to schedule a train to come through during a parade. However, we have decided to take extra precaution and assign a Department of Public Safety Officer two miles up the track and in case there

Page 2

is a train coming, they will immediately radio other personnel to alert them of the oncoming train. It is not a long term solution, but the only solution that we have better communication and slow the trains down."

Mayor Pro Tem Haire stated, "We have heard that at no time did the conductor attempt to slow down the train. As we talk of speed, speed kills whether it is in an automobile or train. If someone was driving a car and didn't make any attempt to slow down and individuals were there, it would be criminal and there is no difference if Norfolk Southern was speeding and didn't apply the brakes. I have also noticed that there has been an elevation in tracks at crossings. I have noticed that CSX crossings are level with the highway. I hope that the City would mandate that with any future improvements that all tracks be made level with existing highways."

Councilmember Barnwell stated, "If the conductor didn't blow the whistle, the City might make a complaint or report it to Federal regulators."

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to request Norfolk Southern representatives to attend a Public Hearing in regards to the railroad's operation in Orangeburg and receive public comment. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the Third Reading of an Ordinance to set Suburban Fire Protection Rates as authorized under Section 18-4.2 of the Code of Ordinances of the City of Orangeburg, South Carolina.

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to approve the Second Reading of an Ordinance to establish Emergency and Disaster Planning and Response. This motion was unanimously approved.

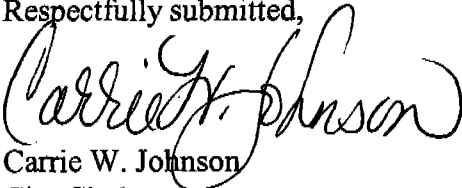
A motion was made by Mayor Miller, seconded by Councilmember Rheney, to reappoint Randy Shuler and Lee Harter to three-year terms on the Hillcrest Golf Commission. This motion was unanimously approved.

There were no matters brought before Council concerning the Department of Public Utilities.

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to enter into an Executive Session for a legal matter concerning the Department of Public Utilities/Water Division.

There being no further business, the meeting was adjourned.

Respectfully submitted,

  
Carrie W. Johnson  
City Clerk

/pfb





## **CITY COUNCIL MINUTES**

### **December 6, 2005**

Orangeburg City Council held a Public Hearing on Tuesday, December 6, 2005, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. The purpose of the Public Hearing was for discussion on the annexation of property along Chestnut Street into the City limits of the City of Orangeburg.

**PRESENT:**

**Paul A. Miller, Mayor**  
**Charles B. Barnwell, Jr.**  
**Bernard Haire**  
**Charles W. Jernigan**  
**Sandra P. Knotts**  
**Trelvis A. Miller**  
**Joyce W. Rheney**

Assistant City Administrator Harley addressed Council and gave an over view of the property listed for annexation and detailed the minutes from the Planning Commission. He further explained the annexation petition to Council.

Mr. Bill Purvis, who owns property at 792 Chestnut Street, addressed Council. "We are appreciative for your consideration for trying to get us into the City limits by giving us an annexation. Mr. Harley has been very helpful to us in explaining things regarding the annexation. For all the residents in this little tract of land, we are hoping you will give us a Christmas present by your approval each time you vote for the annexation. Thank you very much."

Hearing no further comments, the Public Hearing was closed.

Council entered into the regular scheduled meeting immediately following the Public Hearing.

An invocation was given by Councilmember Jernigan.

A motion was made by Councilmember Knotts, seconded by Councilmember Barnwell, to approve the November 15, 2005, City Council Minutes, as corrected. This was a 6-0-1 vote with Councilmember Miller abstaining as he was not present at the last meeting.

A motion was made by Councilmember Rheney, seconded by Mayor Pro Tem Haire, to approve the Third Reading of an Ordinance to establish an Emergency and Disaster Planning and Response Plan. This motion was unanimously approved.

Ms. Bernice Tribble, DORA Manager, accepted the Character Trait Proclamation for December, 2005, "Generosity".

City Administrator Yow presented an update on the Facade Grant Program and the grant specifics and Assistant City Administrator Harley gave an over view of the guidelines and the responsibilities of the Facade Oversight Grant Committee.

Assistant City Administrator Harley began with the different kinds of renovations and the targeted areas for the grant. He explained the phases of the grants for Phase I and Phase II and the streets involved. He stated the City's responsibilities and the property owner's responsibilities.

Councilmember Miller asked why couldn't the church be excluded on St. John Street since they can't qualify for the grant?

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City Administrator Yow and Assistant City Administrator Harley confirmed that the church was already excluded, but the property had to be contiguous to be in the grant and that the City can't skip any properties. Assistant City Administrator Harley stated that St. John Street is included in Phase II.

Councilmember Barnwell asked about Page 12, Section O, Paragraph 2, concerning the City's responsibilities and the 10% match for the Facade Grant.

Assistant City Administrator Harley explained, "The 70% deferred loan is the grant portion and the reason we put deferred loan is because if they do not meet the criteria and don't stay in compliance within the five year period, they will have to reimburse the grant that amount."

City Administrator Yow stated, "If someone got the grant to fix up a piece of property and then sold the property, the grant would revert to a loan status and they would have to repay the grant program."

Councilmember Barnwell asked about the City's match?

Assistant City Administrator Harley stated, "The City's match is going towards grant administration."

Councilmember Barnwell asked, "Above and beyond that, what will the City be responsible for?"

Assistant City Administrator Harley stated, "Nothing."

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Jernigan, to accept the procedures and guidelines for the Facade Grant Program. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Rheney, to approve the First Reading of an Ordinance to annex property along Chestnut Street into the City limits of the City of Orangeburg. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Knotts, to approve the First Reading of an Ordinance to authorize the sale of the administrative offices and courtroom of the City-County Law Enforcement Complex to the County of Orangeburg for the amount of \$475,500.00. This motion was unanimously approved.

A Resolution to purchase Riverside Apartments from Riverside Associates was postponed until the December 20, 2005, City Council Meeting.

A motion was made by Councilmember Rheney, seconded by Councilmember Barnwell, to accept the P.A.R.D. Grant and authorized City Administrator Yow to accept the grant. This motion was unanimously approved.


City Administrator Yow made a public statement of appreciation to the Horne Foundation for their monetary contributions to the City.

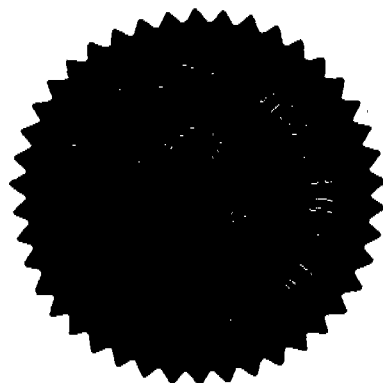
There were no matters pertaining to the Department of Public Utilities.

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to enter into an Executive Session for a legal matter concerning Time Warner Cable Franchise. This motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,

  
Carrie W. Johnson  
City Clerk



## **CITY COUNCIL MINUTES**

### **December 20, 2005**

Orangeburg City Council held its regularly scheduled meeting on Tuesday, December 20, 2005, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. An invocation was given by Councilmember Rheney.

**PRESENT:**

**Paul A. Miller, Mayor**  
**Charles B. Barnwell, Jr.**  
**Bernard Haire**  
**Charles W. Jernigan**  
**Sandra P. Knotts**  
**Trelvis A. Miller**  
**Joyce W. Rheney**

A motion was made by Mayor Miller to hold a Special City Council Meeting on Thursday, December 22, 2005, at 10:00 A.M. for the purpose of a Third Reading of an Ordinance to annex property along Chestnut Street into the City limits of the City of Orangeburg and a Third Reading of an Ordinance to authorize the sale of the administrative offices and courtroom of the City-County Law Enforcement Complex to the County of Orangeburg. This motion was seconded by Councilmember Rheney and unanimously approved.

A motion was made by Councilmember Jernigan, seconded by Councilmember Barnwell, to approve the December 6, 2005, City Council Minutes as distributed. This motion was unanimously approved.

A motion was made by Councilmember Barnwell, seconded by Councilmember Rheney, to approve the Second Reading of an Ordinance to annex property along Chestnut Street into the City limits of the City of Orangeburg, SC. This motion was unanimously approved.

A motion was made by Councilmember Rheney, seconded by Councilmember Miller, to approve the Second Reading of an Ordinance to authorize the sale of the administrative offices and courtroom of the City-County Law enforcement Complex to the County of Orangeburg. This motion was unanimously approved.

City Administrator Yow noted to Council that the date for the closing has been changed from March 1, 2005, to March 31, 2005.

Councilmember Barnwell asked if the new Headquarters would be ready and could the Resolution be amended, so we are not in a position to pay rent if it is not ready?

City Administrator Yow suggested that an amendment could be done on Third Reading.

Councilmember Barnwell stated, "I don't want to be in a position to pay the County rent."

City Administrator Yow addressed Council concerning the purchase of the Riverside Apartments and two (2) acres of property at the corner of Riverside Drive and Waring Street. He further stated that we have purchased several properties adjacent to the Edisto Memorial Gardens in the last several years and this has been discussed in some Planning Sessions, and Executive Session.

Councilmember Miller stated, "I have actually visited Riverside Apartments and there are a lot of folks living in those apartments, I would say at least 30% to 45% of those apartments are being utilized. I have reservations of purchasing property where people are residing and in some instances, asking them to pick up and move. A lot of folks don't read the paper and are unaware. I think we are skating on some thin ice and looking at some humane issues. I am real leery about asking people to move from where they live. I am looking at this price and I think \$325,000 is real steep and I have reservations on this deal."

Page 2

Councilmember Barnwell asked, "Does the City have any idea what the property will be used for?"

City Administrator Yow stated, "Our immediate plans are to remove the apartments and at some later point, use it to expand the Gardens or redevelopment."

Councilmember Barnwell asked, "Does this price include the cost of tearing the apartments down?"

City Administrator Yow stated, "No, that is buying them as is. No estimates on demolition would be made until the purchase is made."

Councilmember Barnwell stated, "Tonight is the first night that I have actually seen the appraisal, and I know that is my fault. As I understand it, this option doesn't expire until February 2006. Based on phone calls that I have received on this, I would like to see, and to satisfy myself, I'd like to obtain a second appraisal before making a decision. I don't want to create a hindrance, but at least, we've got an option open."

Councilmember Rheney stated, "This was in long-range planning, and as everybody knows, we get mandates from Washington and they tell DPU what we can do and what we need to do in the future. We have already had some encroachments on the Gardens, even though it has been beautified by DPU. I think the property that surrounds the Gardens can be used effectively for garden improvements or in case DPU needs it. I think this is good long range planning and it doesn't come up that often. Like you have said, we have bought property on Seaboard and some in the wetlands that has given us some protection. I think long range, we need this piece of property."

Councilmember Jernigan stated, "We have already talked about this a long while ago and in the Planning Session and it was my impression that we have hashed out these problems that everyone has come up with. We instructed you to go ahead and negotiate a deal. At this point, I just don't think we should back up on a deal that we have talked about and worked out and we need to move on."

Councilmember Barnwell stated, "The first I have heard of a purchase price was at the last meeting, the first of December. I think at that time, Councilmembers wanted to be enlightened a little more. I don't feel comfortable without a second appraisal."

Mayor Miller stated, "I think that the property is on the tax roll at \$380,000.00, which is more than the \$325,000. I feel like we got a good appraisal on the property and it was done several different ways to come to the value. Mr. Miller, you mentioned about 30% occupancy, which would equate to about ten units that people are living in. Since negotiations, the apartments are not being rented by the owners. It is my understanding, that it is their intention to relocate those individuals to equal or better housing and if they are not satisfied, they will get some money to find other housing."

Councilmember Miller asked, "What if they cannot find suitable residency?"

Mayor Miller stated, "They have other units that these residents can move to."

Councilmember Miller stated, "Maybe some of these families walk to work and what happens when you want to relocate them, how are we going to resolve that?"

Mayor Miller stated, "I didn't go down to talk to the people that live there as I didn't think it was my place."

Councilmember Miller stated, "We are going to buy their homes and we are not going to see how they feel? We are more than obligated to talk to these folks to see how they feel about us purchasing their homes."

Page 3

Mayor Miller stated, "I disagree. We are dealing with the landlord, not the people who live there. We are not buying it for rental property; we are buying it to protect the Edisto Memorial Gardens to be able to continue with the other purchases we have made in and around the Gardens so we can have future expansion. We have no plans to become landlords."

Councilmember Miller stated, "The City shouldn't get into the business of buying homes. I was at the Planning Session and I made it adamantly clear, that I was not in favor of purchasing property that would have to relocate families. My understanding at the Planning Session was that this was a shot in the dark that we were going to look into it and see what was going on and that we weren't going to act on anything, that was my understanding. I guess I missed the last meeting, but when I saw the Resolution, I was totally in the blind."

Mayor Miller stated, "I would hope that in the last two weeks you would have had an opportunity to have your questions addressed by City Administrator Yow, so it is not something new."

Councilmember Barnwell asked, "This would come out to about \$163,000 an acre?"

City Administrator Yow stated, "Less than that."

A motion was made by Councilmember Jernigan, seconded by Councilmember Rheney, to approve the Resolution to purchase Riverside Apartments from Riverside Associates in the amount of \$325,000. This was a 3-4 vote as Mayor Pro Tem Haire, Councilmembers Knotts, Barnwell and Miller voted against the purchase of the property.

A motion was made by Councilmember Barnwell, seconded by Councilmember Rheney, to obtain a second appraisal on the property to give it further consideration.

Councilmember Rheney asked, "If an appraisal could be done by the end of the year?"

City Administrator Yow stated, "It would probably take about sixty (60) days."

This was a 5-1-1 vote as Councilmember Jernigan opposed and Councilmember Miller abstained.

There were no matters brought before Council concerning the Department of Public Utilities.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to cancel the January 3, 2006, City Council Meeting. This motion was unanimously approved.

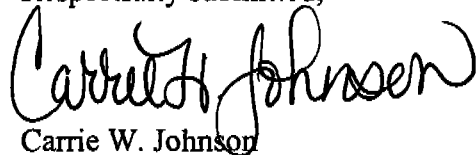
A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to enter into an Executive Session for personnel matters concerning the Municipal Court and the Department of Public Safety and a legal matter regarding Time Warner Cable Franchise. This motion was unanimously approved.

Council returned to the Open Session Meeting.

A motion was made by Councilmember Jernigan, seconded by Councilmember Miller, to accept the City's Grievance Committee's findings. This was a 6-1 vote as Councilmember Barnwell opposed.

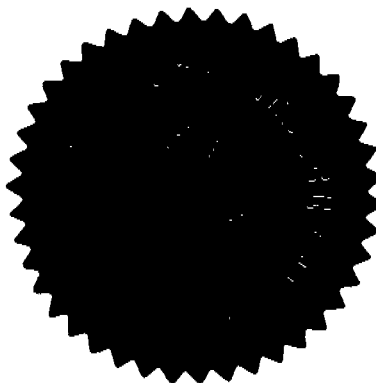
There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson  
City Clerk

/pfb



## **CITY COUNCIL MINUTES**

### **December 22, 2005**

Orangeburg City Council held a Special City Council Meeting on Thursday, December 22, 2005, at 10:00 A.M., in Council Chambers with Mayor Miller presiding. Council observed a moment of silence.

#### **PRESENT:**

**Paul A. Miller**  
**Charles B. Barnwell, Jr.**  
**Bernard Haire**  
**Sandra P. Knotts**  
**Trelvis A. Miller**  
**Joyce W. Rheney**

#### **ABSENT:**

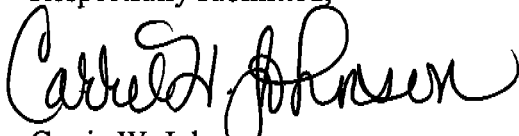
**Charles W. Jernigan**

A motion was made by Councilmember Rheney, seconded by Mayor Pro Tem Haire, to approve the Third Reading of an Ordinance to annex property along Chestnut Street into the City limits of the City of Orangeburg, SC. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to approve the Third Reading of an Ordinance to authorize the sale of the administrative offices and courtroom of the City-County Law Enforcement Complex to the County of Orangeburg. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to adjourn. This motion was unanimously approved.

Respectfully submitted,



Carrie W. Johnson  
City Clerk

/pfb

