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COUNCIL
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FOR
JANUARY 3,
2006
CANCELED

CITY COUNCIL MINUTES
January 17, 2006

Orangeburg City Council held three (3) Public Hearings on Tuesday, January 17, 2006, at 7:00 P.M. in Council Chambers with Mayor Miller presiding. The purpose of the Public Hearings were as follows:

- 1) Consideration of amendment to Section 24-8.6 Temporary Signs by replacing with table that address the following:
 - A. Sign display period
 - B. Sign display intervals
 - C. Sign dimensions
 - D. Conditions on temporary signs
- 2) Consideration of amending Table IV, number, dimension and location of permitted signs
- 3) Consideration of amendment to Section 24-8.9 Removal of signs, the Code of Ordinances of the City of Orangeburg, SC, for the purpose of replacing the existing requirements to address the following:
 - A. Abandoned signs
 - B. Signs exceeding allowable sign face
 - C. Temporary signs
 - D. Notification to owners

PRESENT:

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

ABSENT:

- Sandra P. Knotts

A moment of silent prayer was observed in memory of Mr. Alan McC. Johnstone.

The Public Hearing was opened.

Assistant City Administrator Warren Harley addressed Council in regards to the changes that the Planning Commission has recommended, which is broken down into three separate Public Hearings.

- 1. Consideration of amendment to Section 24-8.6 Temporary Signs by replacing with table that address the following:
 - A. Sign display period
 - B. Sign display intervals
 - C. Sign dimensions
 - D. Conditions on temporary signs
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Assistant City Administrator Harley summarized the amendments before Council. He stated, " The temporary Sign Ordinance changes the current section proposed to be replaced with a new table and notes and will address sign display period, sign display intervals, sign dimensions and conditions of temporary signs. The table also covers the time period on which a sign can be displayed. The current Sign Ordinance allows for a sixty (60) day display period and the proposed Ordinance would allow for a thirty (30) day display period with various display intervals, depending on the type of sign. This is inclusive with the exception of A-frame signs and identification signs. A-frames are operation hours only and identification signs would be ninety (90) days or project completion. The proposed Ordinance allows for four other types of signs which is, A-frame, identification, pennants and political signs."

Mayor Pro Tem Haire stated, "I have a concern as it relates to the time frame of sixty (60) days to thirty (30) days, what is the thought behind this?"

Assistant City Administrator Harley responded, "In discussions with staff, it is easier for us to keep up with the time frame if it is a shorter time period."

Mayor Pro Tem Haire stated, "Then fifteen (15) days would be better? My problem is when we talk about changing that in regards to political signs; when you talk about changing them from sixty(60) days to thirty (30) days, I have a real big problem with that. The Ordinance states that political signs can be placed thirty (30) days before an election and have to be removed seven (7) days after the election. It also states that the sign should be placed 5 feet away from the street or curb. If it is my yard, I would think that no one has the authority to tell me where to place a sign. Am I reading that wrong?"

Assistant City Administrator Harley stated, "It is 5 feet from the right-of-way?"

Mayor Pro Tem Haire stated, "The right-of-way is then where the sidewalk ends? You are dictating to me where I can put a sign in my yard?"

City Administrator Yow stated, "That is currently in our Ordinance. The Ordinance currently states it is 5 feet, but what the City has done forever is enforced it on the private property line, as long as it was out of the right-of-way. The one reason it was left in there, is that sometimes there is a discrepancy as to where the right-of way and the property line starts. By leaving the 5 feet in there, it clears up any of that. Whichever way you decide, you will need to give us that direction."

Mayor Pro Tem Haire stated, "I don't agree with that. We are encroaching, not only national and state, but we are doing it now here. We are encroaching on too much of the rights of individual citizens. I don't agree with what is in the present Ordinance if I can't put a sign but only X number of feet from the right of way. I don't agree with that. If I am in favor of a candidate or a party, if I want to display a sign in my yard, I should have that right. I don't think you should limit me to thirty (30) days. This is not something we need to dictate to citizens. I have been in violation for some time then, because I have a sign that I have displayed that I feel I have a constitutional right to display. The government needs to take a breath and back up because I think there has been too much invasion to individual citizen's lives and I can't support the amendment or Ordinance if it has that in it. I ask we look carefully at that."

Mayor Miller asked, "What is the current time frame that a political sign can be displayed under the current Ordinance?"

Assistant City Administrator Harley responded, "We don't distinguish them currently. This would be covered under temporary signs, which is 60 days."

City Administrator Yow stated, "When we bring this back in Ordinance form, we will bring this to you in the form the Planning Commission sent forth. You can then make amendments to those during the readings."

Councilmember Barnwell stated, "I was always under the impression that you could not put a sign in the right-of-way. The right-of-ways vary, some are 100 feet. If I want to put a sign in my yard, five feet from the property line, I should be able to do so."

Councilmember Rheney stated, "Having just been through an election with signs. I called everyone that had a sign in their yard that belonged to me, I took a yard stick and I had their personal permission and measured five feet and this is not very much. Five feet is almost on the street. I agree they should be down within seven days after the election. I think that our City looks so much better when the signs are down. I think there were signs in the right-a-way from the last election that were not taken down."

City Attorney Walsh stated, "The five feet is in there also because of the golf carts used by our meter readers. We try to keep those golf carts off of the street."

City Administrator Yow stated, "Once again, if people put signs in the right-of-way or on street poles, we take them up. If they are on private property, we try to work with people. Sometimes, it is difficult to try to determine the right-of-way."

Councilmember Jernigan stated, "I am in agreement with Mayor Pro Tem Haire, as long as it is on my property, it should be fine."

Assistant City Administrator Harley discussed the proposed changes in Table IV on the dimension and location of permitted signs. He stated that the cap on the maximum sign area in any district is 150 square feet. This includes billboards, our current Ordinance does not distinguish between billboards and other free standing signs."

City Administrator Yow stated as a reminder to Council, "There is legislation proposed at the State House that we have gone on record as being opposed to. We would like to get this passed first; what happens at the State House would affect our enforcement and this Ordinance."

Assistant City Administrator Harley discussed the proposed changes of Section 24-8-9, on removal of signs and amendments to address abandoned signs, signs exceeding allowable sign face, temporary signs and notification of owners. He stated, "This also includes billboards."

Councilmember Jernigan asked, "Signs exceeding the allowable sign face area by more than 25%, which shall be removed or brought into compliance with the chapter within four years, why is the time period so long?"

City Administrator Yow responded, "Going back to the billboard legislation, the companies are trying to amortize the value of the sign. These companies are coming up with an extraordinary amount of money that the cities would have to pay for billboards to be taken down. The State Highway Department uses an equation that would not be the same. There are two different set of rules and this would give the billboard companies ample time to recover their money on the signs to be removed."

Councilmember Jernigan asked, "Are the billboards the only ones that fall under Section B?"

Assistant City Administrator Harley stated, "No, it could be others."

Councilmember Barnwell asked, "If they don't follow the rules when they put the sign up, why give them four years to correct it?"

City Administrator Yow stated, "These are removal of existing signs already up."

Councilmember Rheney asked, "They get a permit for all of these signs? The way I have read this, they are going to put a date on those signs?"

Councilmember Jernigan stated, "I have a problem with the four years idea, someone could put up a sign that doesn't meet the requirements and do not have to worry about it for four years."

City Administrator Yow stated, "They could not get a permit for it, this is for signs that are existing nonconformities."

Assistant City Administrator Harley stated, "We have already inventoried the billboards."

Councilmember Jernigan asked, "Do we have signs that are not billboards, that are not in compliance? If so, they don't have to do anything for 4 years?"

City Administrator Yow stated, "The reason why it is in there is there have been lawsuits between cities and companies about the investments that they have in the signs. That period is to give them the opportunity to recoup their investment."

Councilmember Jernigan asked, "Can we separate billboards from signs?"

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

Mr. Clyde Livingston of 260 North Brookside addressed Council.

He stated, "I believe I am the most experienced person here as it relates to political signs. We have always tried to be in compliance with the Ordinance. It is difficult under the current Ordinance to make sure you are out of the right-of-way. A lot of times they cannot tell you where the right-of-way is. We have been told, five feet behind the utility poles because they are placed in the right-of-way. Some places in town, the poles are between the street and the right-of-way. I have had signs removed by the Department of Public Safety and later were returned to me because they were erroneous in moving them. Yet, the signs were completely destroyed when I got them back. I think that if you put something in the Ordinance that gives a clear understanding when you are standing on the street, is the important thing. I agree with Mayor Pro Tem Haire and Councilmember Barnwell that you should not tell someone what they can do on their property. I am not so sure that you do not get into a freedom of speech question when you start telling people how long they can place a sign on their property. As an incumbent, I like the idea of restricting the opposition's political signs to thirty (30) days. I really don't think it would be fair to those who seek political office for the first time, or who may have low name recognition. The other thing that I think you need to have clarified in this, is the seven (7) day rule of removal. You may have a situation where you have a primary and I am assuming you may mean seven (7) days after the run off, but that is not clear. I am thinking that if someone wants to put up a political sign now, it defines them as temporary. There have been cases where people have put up permanent signs for a political campaign or a political message and I think you need to review that very closely. If I wanted to put up a sign that said Abolish County Council and put it up for six months, it is clearly a political sign, and I think I have the right to put it up there, if I choose to do so. I think you are violating people's right when you say you can't put them up. I think you need to look at the political signs and be very clear as to what the set back is. For as such, to whoever is putting up the signs, that someone with normal intelligence should be able to look at it and see what it is. You can't put up all your political signs, you have volunteers and those who want to help. You can tell them five (5) feet behind the right-of-way and you have to tell them what is the right-of-way. There are many cases where I couldn't determine the right-of-way. I think one time, I was even told you would have to go to the Highway Department. The City should be prepared to identify the right-of-way. The five (5) feet should be defined. I think the Public Hearing should be on the drafted amendments and not subject to be modified when it comes back again, unless you tell me there is not going to be any changes except what is to be brought up at the Public Hearing."

Mayor Miller stated, "I think that because the Planning Commission is making the proposal that it has to come to us in the proposed form that has been brought to us tonight. At such time as it would be changed, Council would have to vote on it and it would have to be voted on in three readings for it to become law. If Council does not agree with the Planning Commission's presentation, then we have the right to amend what they have sent to us. In any event, between the time of the first and third reading, it can be changed before it comes to us in the final draft or the third reading. Just because something was passed on the first reading, it has two more readings to go. It can be defeated

along the way. That is my understanding. This is the Public Hearing as it relates to the Sign Ordinance changes. There will be an opportunity for Council to decide after hearing comments at the Public Hearing as to what we may or may not want to do, when this comes before Council."

Mr. Livingston responded, "Let me say I came down here and I am the only person that speaks to you and staff takes it back to the Planning Commission and make changes. Everyone in Orangeburg is perfectly happy with the way it was and thought it was right the first way it was drafted. You then come back and address my concerns or others and those folks have had no opportunity to come in and say that is not what I read in the paper that the Hearing was going to be about. That is not a problem of mine, I was bringing it up just in case someone wasn't here."

Mayor Miller replied, "Obviously, there was ample notice for the Public Hearing. We have had many Public Hearings where no one came for whatever reason. Just like the County, if they have a Public Hearing, they give notice and people come if they want to and if they don't, you have to assume they are okay with it."

City Administrator Yow stated, "Staff will not take this back and make amendments on what we have heard tonight. City Council would make any amendments."

Mayor Miller stated, "It will come back to us just like it was presented and then amendments will be proposed. At the first reading, Council has the prerogative to pass it as is or to make adjustments at that point and then it has two more readings to go to get to the final."

Mr. Livingston stated, "I would like to discuss some thoughts on temporary signs. Being in the tax return business, which is seasonal from January to April, myself and my colleagues, have found it necessary to use temporary signs and we don't have any reason to use them after April 15th. I find the going from 60 days to 30 days being restrictive and I would suggest that you consider some other length of time. When you look at it, an A-frame sign can be put out during operational hours only. Does that mean that the thirty (30) days does not apply here, if you put the sign out every morning and take it in every night?"

City Attorney Walsh stated, "Yes."

Assistant City Administrator Harley stated, "You can have it every day you are open during your hours of operation."

Mr. Livingston stated, "In essence, you can have the A-frame sign out every day if you put it out in the morning and take it in at night when you close. If you have a 24/7 business, does that mean you can leave an A-frame out all the time?"

Mayor Miller replied, "If it is during your operational hours, you could. It is limited to 12 square feet on both sides."

Mr. Livingston stated, "It seems to me, the question here should be what you have drafted is the taking it in and out during operational hours. It shouldn't make a lot of difference whether it is a portable or A-frame. You can take a portable in and out, so what is the difference? I am not exactly sure what the definition of a pennant is, is it another form of a banner?"

Assistant City Administrator Harley stated, "It is smaller than a banner, such as a small banner."

Mr. Livingston stated, "I am assuming the display interval is 30 days within six month period."

Mayor Miller replied, "You can have a sign out 30 days within a six month period, which is my interpretation."

Mr. Livingston asked, "A poster can be displayed 30 days, what about the interval?"

Assistant City Administrator Harley stated, "One time a year."

Mr. Livingston stated, "Shouldn't you say 30 days and shouldn't the interval be 12 months?"

City Attorney Walsh stated, "I need to know the definitions of the signs we are discussing, I don't know."

City Administrator Yow stated, "That is one point that I want to make at the end. There are some things I am going to bring to Council for first reading also."

Mr. Livingston stated, "A- frame, 12 square feet, 3x4 is something very small. A banner as it appears here that you can make a banner as large as you want to and only display it 30 days. Am I correct on that? "

City Attorney Walsh stated, "That needs to be clarified and inflatables also need to be addressed."

Mr. Livingston stated, "I think if you are going to allow portables up to 32 square feet, which is 4x8, the size of a sheet of plywood, on what was said earlier, I am assuming that you really have twice that much, because you can do it on both sides. Is that correct?"

Mayor Miller stated, "I think he is saying you have a portable sign that is 4x8, you can display it on both sides, if the sign itself doesn't exceed 4x8. Attorney Walsh, is that right?"

City Attorney Walsh stated, "Yes."

Mr. Livingston stated, "The conditions I would like to address. Signs don't offend me. I don't see how you are going to say that putting signs on the sidewalks don't obstruct pedestrian movement. It seems to me that anything on the sidewalk would obstruct pedestrian movement. Here again, I have no objection to that, but it is kind of unclear and it is an area that can create confusion."

City Administrator Yow stated, "That is in there for A-frames, such as a restaurant, which may be commonly referred to it as a sandwich board."

Mr. Livingston stated, "I concur completely that there should be no signs on telephone and power poles. The public right-of-way, is it still part of the property of the person who owns the lot?"

Mayor Miller replied, "It is public."

Mr. Livingston stated, "I have no problem with that, but you have to equally apply that. If you ride around Orangeburg, you will see places where it is applied here and there. I think it is going to have to be equally enforceable. This is where we get into the right-of- way question when it comes to 5 feet from the street or curb. A portable sign shall be limited to one per establishment, shall have no colored or flashing lights, I am not sure why colored or flashing lights are wrong? It shall not be wired so as to obstruct or hinder pedestrian or vehicular traffic and I definitely think there is a safety issue with drop cords. Then it says, it shall not exceed 6 feet in height. If your sign has a 2 foot base on a 6x8 sign, I have no problem with that. But, you say, it cannot be converted to a permanent sign. What do you mean by that?"

Mayor Miller stated, "I think it means you cannot keep a portable sign in front of your business and later convert it to a permanent sign. If you wanted a permanent sign, you will have to get a permit and follow the rules and regulations of a permanent sign. At least, that is what I think it is."

City Attorney Walsh stated, "I really don't think you need that language."

Mr. Livingston stated, "There is nothing to stop you from taking a sign and permanently attaching it, correct?"

Mayor Miller replied, "As long as the permit is taken out and all the rules and regulations are followed."

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Mr. Livingston stated, "To me, if you have a sign and display it on a temporary basis, at no time in the future, can you convert it to a permanent sign."

Mayor Miller stated, "You could with the permit."

Mr. Livingston stated, "I think that is what it needs to say."

Mayor Miller stated, "I think the intent of this is to keep a business from having the pull behind the car type signs in front of a business. They should be temporary like a grand opening to attract business and after a certain period of time, it needs to be removed and then put up a permanent sign, if that is what you need to do. We don't want a City full of temporary signs."

Mr. Livingston stated, "I agree, but I could read this and I could say, if this sign had ever been temporary, you could not convert it to a permanent sign. Even by getting a permit and meeting all the codes, if that sign was part of a temporary sign, it couldn't be. This could be misconstrued. The biggest thing I am concerned about is the difference in the size between the temporary signs. I really don't see a difference in the temporary signs as to whether it is 32 square feet or what have you. This doesn't make a difference to me. I don't see the need of a 200 square foot sign as identification. I assume that is like for a project. I think you need a shorter display interval than is being proposed here. It is my understanding, an A-frame that is taken in and out can be displayed forever and also a 24/7 business can display it at all times. My biggest concern with that is a 3x4 sign is mighty small and we are all here trying to encourage businesses and everybody needs to make money. There are also no restrictions on the banners, someone could make a big banner and it would be allowable under this."

The next issue is Table IV at point #9. It stated, amend Table IV, number, dimension and location of permitted signs to require a 40 foot setback on a developed lot in the B-2 District. In other districts, do you not have to have the 40 foot set back or can you not put the sign there at all? In Table IV, you talk about freestanding signs and building signs. None of this has to do with temporary signs. This section only has to do with freestanding signs and building signs. What is O-1, office?"

Assistant City Administrator Harley stated, "Yes, it is office."

Mr. Livingston then asked, "What are the three A's?"

Mayor Miller replied, "A-1 is single family, A-2 is multi-family and A-3 is high density, like apartments."

Mr. Livingston asked, "What is B-1?"

Mayor Miller replied, "General Business."

Mr. Livingston asked, "What is the difference between B-1 and B-2?"

Assistant City Administrator Harley stated, "B-2 is the downtown central business district."

Mr. Livingston asked, "B-3?"

Assistant City Administrator Harley stated, "Neighborhood business district"

Mr. Livingston stated, "In B-1, it says you cannot have a free-standing sign in the general business district, B-1, N/A? If I have an office in a general business district, I cannot have a free-standing sign?"

City Attorney Walsh stated, "You can have one per 200 feet of frontage."

Mr. Livingston asked, "There are no restrictions on a per lot basis? The restriction is one per 200 feet?"

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City Administrator Yow replied, "Are you in the downtown?"

Mr. Livingston stated, "Where is downtown?"

Assistant City Administrator Harley stated, "It is the central business district."

Mr. Livingston stated, "I am on 301."

Mayor Miller replied, "That is not downtown."

Mr. Livingston asked, "What is the proposed changes in B-1?"

Assistant City Administrator Harley stated, "The only change proposed is in Table IV, the maximum sign area is 150 square feet and the other change is the 40 feet setback. Everything else is currently in effect."

Mr. Livingston asked, "If there is a sign on the side of a building, nothing is being changed?"

Assistant City Administrator Harley, "Correct, everything is in existence now."

Mr. Livingston stated, "What is in existence now is that you can put 25% in the front of the building as a sign? You can put 25% on the face of a building in a sign, or is it limited by the 150 square feet?"

City Administrator Yow stated, "That is only for freestanding signs for the 150 square feet, building signs are 25%."

Mr. Livingston stated, "To clear up something, when you are talking about the 150 square feet of signs, is that per sign or total sign area? Are you being limited to 75 feet per side?"

City Attorney Walsh stated, "As I read it, it is total 150 square feet."

Mr. Livingston stated, "You can have 75 feet on one side and 75 feet on the other side, almost an 8x10. Does that mean that all the free-standing billboards in Orangeburg; are they going to be in non-compliance once this is passed and then they are going to have four years to correct that?"

City Administrator Yow stated, "Yes, most are in non-compliance now."

Mr. Livingston asked, "You didn't have a limit on the size of the billboards before?"

Assistant City Administrator Harley stated, "Yes."

Mr. Livingston stated, "I am not in the billboard business, but I got a feeling it will affect the billboard people. This is something that definitely needs work. I have had many conversations about this sign and that sign. I think that whatever you do, you need to definitely enforce the law. At this point, I can take you down 301 and show you numerous signs that are in violation. A law that is enforced arbitrary is not a good law. Thank you very much for taking into consideration my thoughts as it pertains to these signs and the limitation. Just because it is a different type of temporary sign, I don't feel space should make that much difference. I am very concerned about individuals expressing their political desires and having restrictions placed on them. Thank you very much".

Mayor Miller replied, "Thank you very much. Is there anyone else that would like to speak at the Public Hearing?"

Councilmember Barnwell asked Assistant City Administrator Harley, "What is the definition of abandoned signs?"

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Assistant City Administrator Harley replied, "Yes."

Mr. Livingston asked, "If you had 400 feet, could you put up two signs?"

Assistant City Administrator Harley stated, "You can put up two signs?"

Mr. Livingston asked, "You can put up two signs, if you don't exceed 150 square feet, it would be reduced to 75 square feet."

Assistant City Administrator Harley stated, "That is in our current Ordinance, the only change is the sign limitation on the size. There is no change in our current Ordinance in terms of how many signs you can put up in 200 square feet."

Mr. Livingston stated, "I understand, we can put up two in 400 square feet. The way I was reading it, you wouldn't be able to have 150 square feet of sign area, is that per sign or total signs?"

Cit Administrator Yow replied, "That would be total, you would have two, 75 square feet if you put up two?"

Mr. Livingston stated, "I am not sure that would be equitable."

If you have 50 feet of frontage, you could have a 50 square foot sign in office?"

Assistant City Administrator Harley stated, "Yes."

Mr. Livingston stated, "In the business district, the maximum size of the sign area in an office can only be 4 square feet, 2 ft. x 2 ft. in Office - 1 on a building? I think that is a little restrictive."

Assistant City Administrator Harley stated, "Again, that is what is in the current Ordinance, that is not a proposed change."

City Administrator Yow stated, "We have already gone over the changes and whatever else is now being brought up is already in the current Ordinance."

Mr. Livingston stated, "Just because it has been there for fifteen years doesn't mean it is right."

Mayor Miller replied, "I don't know that this is the time to take up on something that is already on the books. What this Public Hearing should address is what is being proposed as changes, which are the three things that were brought up."

Mr. Livingston stated, "We are talking about Table IV and the changes are requiring a 40 foot set back in the downtown B-2 on a developed lot as a prerequisite to establishing a free-standing sign on said lot. What is the definition of a developed lot, a lot with a building on it?"

Mayor Miller stated, "Yes, I would think."

Mr. Livingston asked, "Suppose you had a small lot, under the existing codes that is not big enough to put a building on it, could you now put a sign on it?"

Mayor Miller stated, "No, this is only pertaining to the downtown district and I don't know if they are going to meet the 40 foot setback because most of them are up to the street anyway."

Mr. Livingston asked, "I have a business here and I don't have a freestanding sign now."

Mayor Miller stated, "You have to come back and have a sign erected as it relates to what is permitted."

Mr. Livingston stated, "That is what I am trying to find out, and basically, you are saying that I have to set my free-standing sign back 40 feet, is that correct?"

Assistant City Administrator Harley stated, "An abandoned sign shall mean a sign structure not containing a sign for 120 continuous days or a sign advertising a business no longer occupying the site to which a sign exists or to which it refers. That is in the current Ordinance."

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 Council Meeting and agenda."

Council then entered into the regularly scheduled City Council Meeting.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the December 20, 2005, City Council Minutes as distributed. This motion was unanimously approved.

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to approve the December 22, 2005, Special City Council Minutes as distributed. This was a 5-0-1 vote as Councilmember Jernigan abstained, as he was not present at the meeting.

Mr. David Coleman, Executive Director of the Chamber of Commerce, accepted the January 2006 Character Trait Proclamation, "Self-Discipline".

City Administrator Yow addressed Council and outlined the recommendations from the Accommodations Tax Advisory Committee which were: Orangeburg County Chamber of Commerce remains as the lead agency, \$2500 for the Orangeburg County Fine Arts Center for Showcase Orangeburg and Festival of Roses River Stage Entertainment, \$7950.00 for the Orangeburg County Chamber of Commerce for visitor's guides, promotional items and visitor's packets and \$5,500.00 for the Parks & Recreation Department of the City of Orangeburg for SCPRT vacation kit ad, regional magazine ads and banners for the Festival of Roses.

A motion was made by Councilmember Rheney, seconded by Councilmember Barnwell, to approve the requests from the Accommodations Tax Advisory Committee. This motion was unanimously approved.

As for information only, Council was given expiration of terms on the Construction Board of Adjustments and Appeals and the alternates on the Board. This item will be on the agenda for the February 7, 2006, City Council meeting for recommendations and to see if the terms of the alternates can be done for four years also instead of one year.

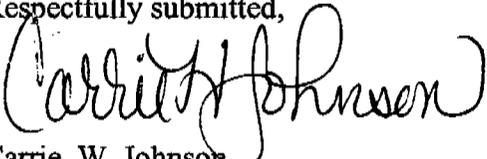
As for information only, Council was given expiration of terms on the Planning Commission. Certain District representatives should be prepared to make nominations at the next meeting.

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

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to enter into an Executive Session for a legal matter concerning Time Warner Cable Franchise and a contractual matter on the sale of real property.

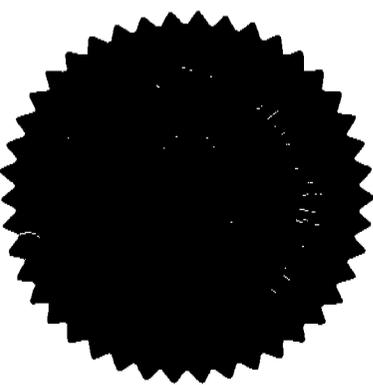
There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson
City Clerk

CWJ/pfb



CITY COUNCIL MINUTES
February 7, 2006

Orangeburg City Council held its regularly scheduled meeting on Tuesday, February 7, 2006, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. An invocation was given by Mayor Pro Tem Haire.

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 Barnwell, seconded by Mayor Pro Tem Haire, to approve the January 17, 2006, City Council Minutes as distributed. This was a 6-0-1 vote as Councilmember Knotts abstained as she was not present at the meeting.

Ms. Tammy Connor from Cope, South Carolina, addressed Council. She stated, "I have been in the medical background for the past twenty years or so and have found out that there is nothing here as it pertains to body modification and that children were doing it on their own and were having a lot of trouble. I got myself licensed and opened Mystic Pathways and have been doing piercings there. There are no less than seventeen cases in Orangeburg County of Hepatitis C from sources. The same thing is happening with tattooing, now with the tattoo law that has come to the State. We are the only state in the nation that doesn't have it and they are working to get it passed, but each town or County has to pass an Ordinance to allow tattooing, in their City or County. We desperately need it. There is illegal tattooing being done and people are getting sick and hurt by it. I know that everyone has in their mind a stereo typical tattooing such as the port side kind of thing with sailors. It is not like today, there are some, but that is not what I intend to open. I opened Mystic Pathways for the health reasons. I saw the horrors of piercings that were coming to me in the flea market where I was selling jewelry. They were asking me what they could do because their tongue was so swollen that they could not get the jewelry out. The same thing is being done with tattooing, people come in each day to find out if we are tattooing yet. We tell them we are waiting on the State and also the City or County to write the Ordinance. There are many parts of the tattoo gun and needle that should be sterilized and that is not happening in the illegal piercings or tattooing. As how the state law is written, most of these things would be made disposable or throw away. I know that this is not being done, the cartridges and needles are being reused and needles being re-stuck in the same ink on someone else. We need the Ordinance so we can open a clean, sterile atmosphere so that this can be done properly. I am on very good working terms with DHEC, we are inspected at least annually. I was inspected January 27th, as I was open a year. As the inspector was leaving, there were people in the store and he told them, "congratulations to you, you are coming to the best place in South Carolina to be pierced" and that made me feel good for him to say something like that. That is the same kind of atmosphere that I want to open for tattooing, to be the best in our City or County."

Mayor Miller asked are there any questions.

Councilmember Miller asked City Administrator Yow, "We don't have any Ordinances written as it relates to body piercings?"

City Administrator Yow stated, "This came about when the State changed the statute, which tattooing was illegal in South Carolina, but when the state passed that statute, there was a caveat in there that anyone applying for a DHEC license had to produce a copy of a certified local Ordinance designating an area where the tattoo parlor would go. The Attorney General's opinion is that the City's could designate or not designate an area for that. What she is asking is, if I understand

correctly, that the City do an Ordinance to designate an area for a tattoo parlor or studio in the area."

Councilmember Jernigan asked, "As far as age in concerned, is there any age limit?"

Ms. Connor replied, "Yes, eighteen years of age with parent's consent and twenty-one without."

Councilmember Jernigan stated, "In other words, no one under eighteen can get a tattoo, no matter what."

Councilmember Miller asked, "Body piercing s totally different?"

Ms. Connor stated, "Body piercing is thirteen to fifteen years old with a doctor's note and parent's consent, sixteen to eighteen years old with parent's consent, and no consent for over eighteen years old."

Councilmember Miller asked, "Does body piercing incorporate the ear?"

Ms. Connor stated, "Ear cartilage is body piercing, ear lobe is different. Ear lobe is six months old."

Councilmember Jernigan asked, "Where are you operating currently?"

Ms. Connor stated, " At 1495 John C. Calhoun Drive next to Dr. Padgett's Office."

Mayor Pro Tem Haire asked, "Once the tattoo is placed on the body, is it a difficult process to have it removed?"

Ms. Connor stated, "Very, it has to be removed by laser and there are some inks that are disbursed and it then has to be re-tattooed with the same ink. It is more expensive to have one removed that to put one on. That is part of the reason due to the age, to be old enough to know what you want on your body."

Councilmember Barnwell asked, "You were at County Council last night and it is my understanding from reading the paper today, that you advised Orangeburg-Wilkinson High School that these cases of Hepatitis C happened at the school, but yet they have no knowledge of this or any happenings at the school."

Ms. Connor stated, "They were notified that there were piercings going on in the school. I saw in the paper that they denied this was happening. They were notified in July when I notified them. I didn't say that all the Hepatitis C cases were from Orangeburg-Wilkinson. I said that there were seventeen (17) cases in Orangeburg County. Whether they came from that specific piercer or some of the others that are operating illegally, I can't tell you for sure, but there are seventeen cases in the area. I received a call today from a parent whose daughter was pierced from this person from Orangeburg-Wilkinson High School at a Subway in Bamberg in the bathroom. I had another call this afternoon from a girl who read the article who had been pierced from this girl and asked "how do I know this was an illegal piercing"? I told her that if it wasn't done in a DHEC certified shop, then it was illegal and I advised her that she needed to have some blood work done to make sure she doesn't have anything. This piercer actually told her that her grandparents actually own Mystic Pathways and that she worked for Mystic Pathways. I found that funny because as far as I know I am the only owner. This needs to be stopped, this has been going on for two years. I started two years ago, when I was selling jewelry at the flea market. I got my motor home licensed and then opened Mystic Pathways. At first, it was going on in the grandparents kitchen. I even went to the house and she wasn't at home. I told the grandmother that I just wanted to check it out before I let my daughter get pierced by her. I find out that this was indeed the place and I notified DHEC who visited the home and found the girl wasn't there with her briefcase of goodies so they couldn't do anything about it. They did leave word with the grandmother that this shouldn't be done, but that didn't stop it. Now, she is going to bathrooms, other people's homes and in cars."

Councilmember Barnwell asked, "If that is true, why haven't the authorities been notified?"

Ms. Connor stated, "They have been notified, we have to catch her."

Mayor Pro Tem Haire asked, "What authorities, What police?"

Ms. Connor stated, "City of Orangeburg, I have talked with Cpl. Trent Williams several times."

Mayor Pro Tem Haire asked, "There are seventeen cases of Hepatitis C in Orangeburg County, how do you know that?"

Ms. Connor stated, "A girl that works for the Health Department stated there are seventeen cases in Orangeburg County. Hepatitis C is the dangerous one. At any case, if it is true or not, if we can't find out if it is documented, it is illegal for anyone to go around and do illegal piercings without the proper DHEC approval and in a DHEC regulated shop. They don't have autoclaves available to sterilize the equipment or jewelry. The jewelry can cause many problems."

Councilmember Jernigan asked City Administrator Yow, "Is there any state legislature out there that could change any of this?"

City Administrator Yow stated, "There was some discussion last year about reintroducing something that could change it slightly. MASC said there is nothing currently out there to change the Bill."

Councilmember Jernigan asked, "What is MASC's opinion on this?"

City Administrator Yow stated, "They only took the position to clarify what the statute said and that was that each local government, in order to have a licensed tattoo studio licensed, could have an area designated by the City by Ordinance."

Councilmember Jernigan asked, "Where is your business now and what type of business is this?"

Ms. Connor stated, "At 1495 John C Calhoun Drive next to Dr. Padgett's Office. I have a retail business for holistic wellness and body piercing."

Councilmember Jernigan asked, "You are doing the body piercing there? That doesn't come under this?"

Ms. Connor stated, "Body piercing and tattooing are totally different. You can't even have both in the same business unless it is divided. This is the only state that you cannot do this together. The way I was reading it, you have to have two separate businesses, in such a way as the liquor and the beer business are now."

Councilmember Jernigan asked, "You cannot have tattooing in your present location now?"

Ms. Connor replied, "No, I would have to relocate and the current building I am looking at, I would have to divide into two separate businesses."

Councilmember Jernigan asked, "Do we have to specify a certain area or do we pass an Ordinance that it can be done?"

City Administrator Yow stated, "No, you have to designate an area unless you designate all of the City, except for residential. You would have to specify an area such as General Business."

Mayor Miller stated, "We will take this under advisement and I can't tell you which way we will go with it. We appreciate you bringing this to our attention."

A motion was made by Councilmember Jernigan, seconded by Councilmember Rheney, to change the terms for the alternates on the Construction Board of Adjustments and Appeals by Ordinance from one year to four years. This was a 5-2, with Councilmember Knotts and Mayor Pro Tem Haire opposing.

A motion was made by Councilmember Miller, seconded by Mayor Pro Tem Haire, to approve the re-appointment of G.W. Berry and Louis Boone to the Construction Board of Adjustments and Appeals and to re-appoint Marion Black and appoint Rommie Williams as alternates to this Board. Mr. Williams will replace Jimmy Evans. These are four-year terms expiring January 2010. This was a 4-3 vote with Councilmembers Jernigan, Rheney and Mayor Miller opposing.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to accept the reappointments of Randy Snell, Harris Davis, Don Tribble and Charles Guess to the Planning Commission with expiration terms of January 20, 2010. This motion was unanimously approved.

Ms. Leigh Ann Holloway accepted the Character Trait Proclamation "Honesty" for February 2006.

City Administrator Yow briefed Council on the matter of the City adopting the 2003 International Building Codes and Property Maintenance Code. He stated, "This includes the fire code, plumbing code and gas code. There will need to be a Public Hearing before the Second Reading. On the second page under "E," we currently have the "C" marked through. I anticipate that in the Second Reading "C" will be included. This is on fire hydrants and I have asked Mr. Boatwright to review this before the Second Reading. We currently have the 2000 Building Code in place. The current code is over several hundred pages and can be viewed by Council."

City Attorney Walsh stated, "We have to adopt these and we cannot change it, if we want to continue to do building inspections."

Mayor Pro Tem Haire asked, "Then Fred's objective to this, isn't needed?"

City Attorney Walsh stated, "If you had a real problem, you can petition for a local exception."

Mayor Pro Tem Haire stated, "I am not prepared to vote on this tonight, I am going to look at the book, so I will abstain at this time."

A motion was made by Councilmember Rheney, seconded by Councilmember Knotts to accept the First Reading of an Ordinance to adopt the 2004 International Building Codes and Property Maintenance Code. This was a 5-0-2 vote, as Mayor Pro Tem Haire and Councilmember Miller abstained.

A motion was made by Councilmember Jernigan, seconded by Councilmember Barnwell, to authorize City Administrator Yow to accept the contract for construction of rest rooms in the Edisto Memorial Gardens in the amount of \$127,974. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to approve a Resolution for the Department of Public Utilities to accept the responsible bid by G. H. Smith Construction, Inc., of Columbia, SC, in the amount of \$108,496 for the extension of sanitary sewer to serve the Municipal Airport. 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 sale of real property and a legal matter concerning the Municipal Airport, a legal matter concerning plea negotiations concerning the Finance Department and purchase of real property concerning the Parks and Recreation Department. This motion was unanimously approved.

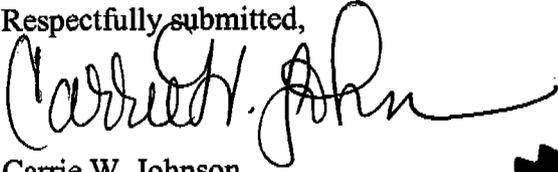
A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to return to Open Session for the First Reading of an Ordinance to convey real property at the Municipal Airport to Ecka Granules. This motion was unanimously approved.

Council returned to Open Session.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to approve the First Reading of an Ordinance to convey real property at the Municipal Airport to Ecka Granules. This motion was unanimously approved.

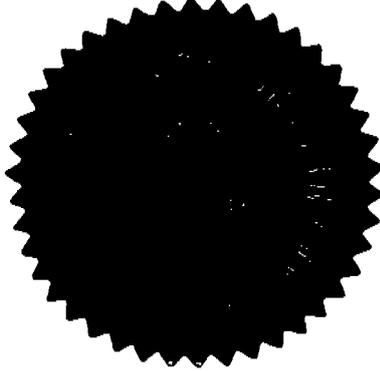
There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson
City Clerk

/pfb





RESOLUTION

A RESOLUTION FOR THE CITY OF ORANGEBURG, DEPARTMENT OF PUBLIC UTILITIES TO ACCEPT THE RESPONSIBLE BID BY G.H. SMITH CONSTRUCTION, INC. OF COLUMBIA, SOUTH CAROLINA IN THE AMOUNT OF \$108,496 FOR THE EXTENSION OF SANITARY SEWER TO SERVE THE MUNICIPAL AIRPORT.

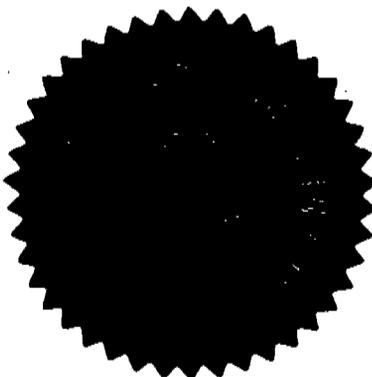
WHEREAS, the Department of Public Utilities of the City of Orangeburg, South Carolina, received bids on January 19, 2006 for the extension of sanitary sewer to serve the Municipal Airport; and

WHEREAS, the responsible bid for this work was submitted by G.H. Smith Construction, Inc. of Columbia, South Carolina in the amount of \$108,496; 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 7th day of February, 2006.



Paul A. Min
MAYOR

Bernard Haire
Sandra P. Knotts

Charles B. Bausell Jr.
Julius A. Miller

James W. [unclear]
[unclear]
MEMBERS OF COUNCIL

ATTEST:

Carrie H. Johnson
CITY CLERK

**SPECIAL
CITY COUNCIL MINUTES
February 15, 2006**

Orangeburg City Council held a Special City Council Meeting on Wednesday, February 15, 2006, at 12:00 Noon in Council Chambers with Mayor Miller presiding.

PRESENT:

**Paul A. Miller, Mayor
Bernard Haire
Charles W. Jernigan
Sanra P. Knotts
Trelvis A. Miller**

ABSENT:

**Charles B. Barnwell, Jr.
Joyce W. Rheney**

City Attorney Walsh addressed Council concerning the conveyance of .34 acres of land to Ecka Granules of America, LLC. He advised Council of the easement agreement that is inclusive of the Ordinance.

City Attorney Walsh stated, "This was presented to the FAA and they would like the City to receive some sort of consideration on the tract of land and a discussion is ongoing of what the consideration would be, whether monetary or something else. This area was once owned jointly by the City and County and the County portion is now where the Industrial Park is and there is an aerial easement in place and this would remain on this portion of land."

Mayor Pro Tem Haire asked, "Who would know on item #2a on page 2?"

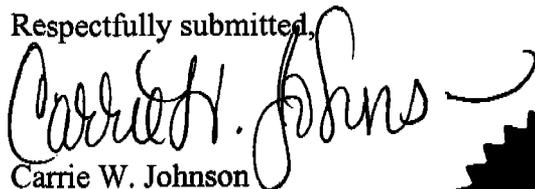
City Attorney Walsh stated, "He placed this language in there and that is why the "best of its knowledge" is in there."

A motion was made by Councilmember Jernigan, seconded by Councilmember Miller, to approve the Second Reading of an Ordinance to convey .34 acre of land to Ecka Granules of America, LLC and being a portion of the lands comprising the City of Orangeburg Municipal Airport, to grant a restricted easement to Ecka Granules of America, LLC with a 160 foot width, consent to the closings and abandonment of a road and to release mining and excavation rights as contained in that certain deed of the City of Orangeburg to the County of Orangeburg recorded February 14, 1985, in the Orangeburg County Office of the Register of Deeds in Deed Book 502 at Page 583. This motion was unanimously approved.

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

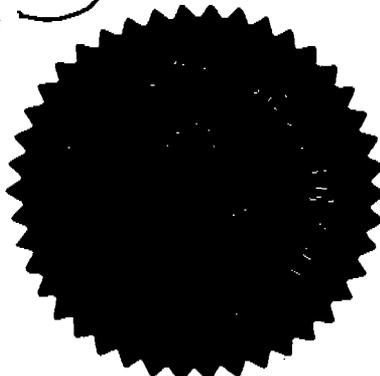
There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson
City Clerk

/pfb



**CITY COUNCIL MINUTES
FEBRUARY 21, 2006**

Orangeburg City Council held its regularly scheduled meeting on Tuesday, February 21, 2006, 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
Charles B. Barnwell
Bernard Haire
Charles W. Jernigan
Sandra P. Knotts
Joyce W. Rheney

ABSENT:

Trelvis Miller

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Jernigan, to approve the February 7, 2006, City Council Minutes as distributed. This motion was unanimously approved.

A motion was made Councilmember Jernigan, seconded by Mayor Pro Tem Haire, to approve the February 15, 2006, Special City Council Minutes as distributed. This was a 4-0-2 vote as Councilmembers Rheney and Barnwell abstained as not present at the meeting.

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to approve the Third Reading of an Ordinance to convey .34 acre of land to Ecka Granules of America, LLC and being a portion of the lands comprising the City of Orangeburg Municipal Airport, to grant a restricted easement to Ecka Granules of America, LLC with a 160 foot width, consent to the closing and abandonment of a road and to release mining and excavation rights as contained in that certain deed of the City of Orangeburg to the County of Orangeburg, recorded February 14, 1985, in the Orangeburg County Office of the Register of Deeds in Deed Book 502 at Page 283. This motion was unanimously approved.

A motion was made by Councilmember Rheney, seconded by Councilmember Barnwell, to approve the Second Reading of an Ordinance to adopt the 2003 International Building Codes and Property Maintenance Code. This motion was unanimously approved.

Council was given, as information, the expiration of terms (January 2006) on the Aviation Commission. These are four year terms by appointment. They are as follows:

B. Reese Earley	District #3
Joe Glover	District #5
A. J. Hutto	At Large

Council was given, as information, the expiration of terms (January 2006) on the Board of Zoning Appeals. These are four year terms by election. They are as follows:

Ben Davis	At Large
L. Zimmerman Keitt	District #5
Paul Moon	District #1
L. Hugh Smith	District #3

City Council members representing these districts were reminded to contact City Administrator Yow to affirm their desire to reappoint these individuals or to nominate someone else.

Page 2

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

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to enter into an Executive Session for a contractual matter concerning the purchase of real property concerning the Parks and Recreation Department and a legal matter concerning Time Warner Cable Franchise.

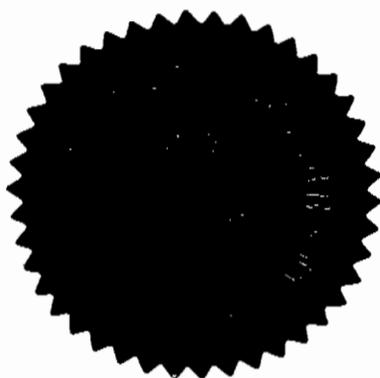
There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson
City Clerk

/pfb



CITY COUNCIL MINUTES
March 7, 2006

Orangeburg City Council held a Public Hearing on Tuesday, March 7, 2006, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. The purpose of the Public Hearing was to receive comments on the 2003 International Building Codes and Property Maintenance Code.

PRESENT:

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

The Public Hearing was opened for comments on the 2003 International Building Codes and Property Maintenance Code.

Mayor Pro Tem Haire stated, "After reviewing the documents at Mr. Bowden's office, I have some questions and concerns about some fill in's. On the second page, 109.3, the \$500.00 and thirty (30) days, should that be "or" instead of "and" ? This language was also included in other sections."

City Attorney Walsh checked the code and stated, "It is just replacing two items within the code, the code reads or and it is not meant to imply that both of these items are inserted with an and."

Hearing no further comments, the Public Hearing was closed.

Council then entered into the regularly scheduled City Council Meeting.

An invocation was given by Mayor Miller.

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to approve the February 21, 2006, City Council Minutes. This was a 6-0-1 vote, as Councilmember Miller abstained, as he was not present at the last meeting.

A motion was made by Councilmember Rheney, seconded by Councilmember Knotts, to approve the Third Reading of an Ordinance to adopt the 2003 International Building Codes and Property Maintenance Code. This motion was unanimously approved.

Ms. Labrena Aiken from CASA accepted the March Character Trait Proclamation, "Cooperation".

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to approve the First Reading of an Ordinance to assign newly annexed property along Chestnut Street to voting Districts #2 and #4. This motion was unanimously approved.

A motion was made by Councilmember Rheney, seconded by Councilmember Barnwell, to appoint B. Reese Earley to the Aviation Commission for District #3 and A. J. Hutto, at Large. Council will present a nomination at next Council meeting to fill the expired term for District #5. These are four year terms.

Page 2

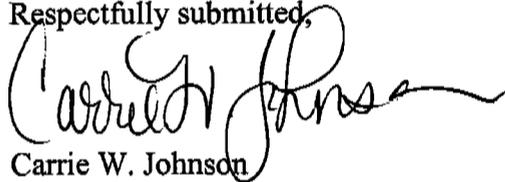
A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to approve the reappointment of the following individuals to the Board of Zoning Appeals. These are four year terms.

Ben Davis	At Large
L. Zimmerman Keitt	District #5
Paul Moon	District #1
L. Hugh Smith	District #3

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the reappointment of Edna Fischer to serve on the Accommodations Tax Advisory Committee for another four year term. Council will present two nominations at the next Council meeting to fill the other two (2) expired terms that are in the lodging sector.

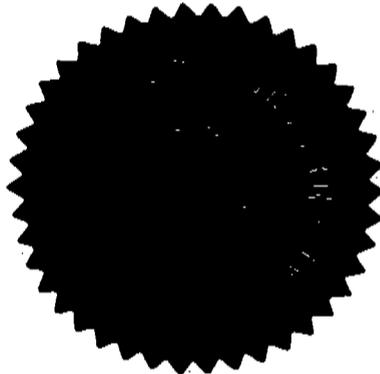
A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to adjourn. This motion was unanimously approved.

Respectfully submitted,



Carrie W. Johnson
City Clerk

/pfb



CITY COUNCIL MINUTES
March 21, 2006

Orangeburg City Council held a Public Hearing on Tuesday, March 21, 2006, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. The purpose of the Public Hearing was to receive comments on the Comprehensive Plan and Land Use Map or the City of Orangeburg, South Carolina.

PRESENT:

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

ABSENT:

Charles W. Barnwell

Mayor Miller opened the Public Hearing for comments on the Comprehensive Plan and Land Use Map for the City of Orangeburg, South Carolina.

Mr. Dan Vismor, consultant with Vismor & Associates addressed Council. He stated, " We have had a long track record working in the community as we have worked here off and on since 1969. We had a contract with the City of Orangeburg for over a year and we have been working on two elements, one is revising the City's Comprehensive Plan and we have been helping rewrite some of the Ordinances to better reflect some of the recommendations and help implement them within the Comprehensive Plan.

For those of you who are not familiar with the Comprehensive Plan, the state code prescribes six elements and these elements make up the Comprehensive Plan. They are(economic development, natural resources, community facilities, population, housing, and cultural resources). They are all linked together and each has a direct bearing on one or more of the elements. I would like to focus more on the land use element. It is the basis for any changes the City desires in order to move forward. I would like to give you a few figures on the population that you may find interesting before I cover the land use element. I don't know whether you know it or not, but the City is losing population. It is losing population at a fairly dramatic pace since 1980. The population of the City of Orangeburg in 1980 was roughly 15,000. In 1990, it dropped to 13,772 and by the year 2000, it had dropped to 12,765. A more recent census estimate came out in 2005 which shows a slight increase, so there may be a gradually upward trend. This would be about 100 people so nothing of real significance. Accompanying these changes in the total population, the minority population has increased from 42% to 70% of the population. The elderly population has increased by 73% since 1970. Under 18 age population declined by 34%. The population is getting older and you are getting fewer young people and that does not bode well for the future of the City of Orangeburg. One of the things we did as part of each element, we establish goals and objectives and we assess what is happening in the community. We think, what can we do to reverse some of those trends. Meanwhile, the City has been losing population, the greater urban area of which we are a part, which most people associate with the City of Orangeburg, has increased from 16,608 in 1970 to 32,424 in 2000. So while the City is losing population, the greater Orangeburg area is increasing population. The seat of Orangeburg County has only 12,765 people in it. We have a real problem of growing the County seat. One of the things we looked at as a tool to help reverse this is annexation. We were contracted about 12 years ago to do an annexation study to determine the feasibility and the cost/benefit analysis to sub-divide the areas around the City and determine the amount of revenues we would receive. Then, we turned the picture around, what would they receive in services and what the cost of the annexation would be. After we did this, we felt real good about the cost benefit analysis from the City and from the citizen's perspective and it looked to be a win-win situation. Unfortunately, not a lot of annexation followed that study. We are right back where we started from. Annexation is the key, in my opinion, in growing the City where the urban area is already growing. We just have to stretch the City Limits to include that part of the urban area that is logically part of

the City of Orangeburg. The statement we have in the Land Use Plan, Goal #1, increase population through annexation to reflect the true size of the community. Future demographic and geographic size of the City will depend on annexation. A study and strategy has been developed, but implementation has

been slow to date as it shows from the 2000 census figure with the decline in population. In fact, state shared revenues are allocated on population and the City has sustained a greater reduction in the amount of such funds. Cities and property taxes are one of the main sources of revenue. Cities also receive state funds based on the different formulas. The larger the city, the larger the share of state shared revenues you receive. If you are losing population and just holding your own, you are not doing anything to bring in additional revenues."

"The natural resources element includes the swamps, creeks, flood hazards and waterways, and they are discussed, so we can get a handle on them and see how they weave their way in with land use. What we need to do is for the most part is to preserve and protect those resources."

"Community facilities is an assessment of water, sewer, fire, police protection, garbage collection and all of the services that the City provides. We assess those services and determine the adequacy with regard to current needs and future needs. Cultural resources consist of historical resources and has to do with anything with the culture and the residents of the City of Orangeburg."

"Housing and the trends in housing are discussed in length in the Comprehensive Plan. I will go over some of these trends so you will know what is happening in the real estate market. Single family detached dwellings is the preferred lifestyle of residential units by most people within cities and counties. The number of single family detached dwellings in the City of Orangeburg was 3,344 in 1970. That constituted 82% of all the housing in the City of Orangeburg. In 2000, the number of single family dwellings were 3,396 or roughly only 50 more single family units thirty-five years later. The percent of single family dwellings dropped from 82% to 66%. So, 34% of all housing is now made up of multi-family units such as patio homes, townhouses or manufactured dwellings. To give you an example, of what has been happening, multi family dwellings increased from 768 in 1970 to 1,619, moving from 17% of the housing to 31% of the housing. There is not much of an increase in manufactured homes due to regulations that the City has in place for restricting manufactured homes. In the County, there has been an explosion in manufactured homes. In the City, they only make up about 3% of the homes. What this is telling us, with the population shift that we are seeing, we are seeing substantial changes in the housing market with preferences and economics. It is much more economical to build or live in a multi family dwelling or a manufactured home than it is to live in a single family detached home. Preferences and lifestyle changes, all of these are contributing to a shifting housing market in the City and we need to be aware of that as we develop our Land Use Plan. We need to mark or designate significant areas in the community to accommodate changes that are taking place in the housing market."

"Lastly, economic development is hard to get a grasp on because this element spills out far beyond the City and actually it includes the County and regional areas. The economic element does have an impact on lifestyle, quality of living and with a low paying job you will have a low quality of living and if you have a high paying job you will have a high quality of living. We grouped these together and looked at them as far as the impact they have on one another and then finally the impact these elements have on the Land Use Plan."

"The land use element is sub-divided into four sub-elements; existing land use component, a goals and policy component, a plan map component and compliance index component. The existing land use component is an assessment of how the land is currently used. As part of this study, we checked the City for changes and noted these changes as it will help us identify land use trends so we can address those changes as part of our land use."

"The goals and policy component, we establish goals & policies. Since 1994, the state implemented that the Council adopt the Comprehensive Plan by Ordinance. Prior to 1994, all plans were adopted by the Planning Commission and they were advisory by nature and the planning stopped at the Planning Commission. A new state code was drafted, and the information was not getting to the people, so that is why Council has to adopt this by Ordinance. That is the reason we are here this evening, your input into this will be the final information they will receive. They have already

received the recommendation from the Planning Commission to go forward with what I am presenting to you this evening. This does not mean what I am presenting to you is final, they still have to review the information and hear your input. So now you have the opportunity to provide much needed information to the Planning Commission. The Orangeburg City Council adopted a goal statement in 1993 and we incorporated that goal statement into the last planning we did about six or seven years ago. Since then, we had the Council to look at that goal to see if it was still relevant and they did. This is the overall plan component goal. Three of the goals of the five that Council has suggested were land use in nature. The consumer provided an environment of peace and harmony allowing the normal growth of business, industry, and the enigma to make Orangeburg a better place to live and to develop municipal policies and procedures to secure financial growth which will enhance the civility of industry, housing, recreation, public safety, and promote annexation. That was a goal established back in 1993 and it's been brushed off. Now, it is back in the current plan being reviewed."

"The land use consists of the following designations. I will go over them briefly as they will be discussed more in detail when we look at the map. They are several family residential areas, general residential areas, residential boring areas, mixed use areas, commercial and business areas, industrial areas, and resource areas. This is not a zoning map we are looking at; it is a plan map. It is more general in nature, and it is more inclusive. Was that clear? I'll give you some markers so that you will know where we are on this map. This is the City Limits. This is Hwy 178 coming into the City. This is Broughton Street. This is Chestnut. This is Hwy 601. The Interstate would be up here. This is Hwy 601 coming into the City. Again, where you see the red here; this is Chestnut, where red means commercial, on this map. This is Chestnut and the intersection of Hwy 601. This is the Boulevard coming in through here. This is Columbia Road starting here, down through here. Everything west of Columbia Road was included in the previous plan. That has not changed and we have discussed it with the Commission. During the general session with the Council, the establishment of a border, you see; this is called a border strip area. I will get into that in just a minute. What that border strip area will actually do is give the Planning Commission and the Council the option to consider, without an end in the plan, a zoning other than single families, because the policy for this area, these areas shown in yellow, is as follows. Single family residential areas, keeping in mind that once adopted it becomes official policy of the City. The objective of this classification is to serve and protect the character and present use in existing neighborhoods and subdivisions and to prohibit any use or development which would compromise or infringe on the prevailing conditions on such areas. Also, this classification is designed to further similar residential development in applicable and undeveloped parts. Now, that is the objective. The policy is fairly rigid. It is the same policy that the City has had in place for the last seven or eight years. Where this classification is applied to the plan map, it shall be policy of the Planning Commission and the City Council to deny zoning changes, ordinance amendments, which would in any way compromise or alter the use of property of single family housing in neighborhoods so designated by any ordinance and change would permit dissimilar uses and would be denied as a matter of policy. Then in a further study, the Planning Commission and Council will supplement an amendment to the Plan now. What that is saying is some of you who may be here this evening, seeking to amend some properties located in these areas; I understand that the City has required you to commission a study to determine the feasibility and desire of changing the map, because this map won't be changed again for probably another five years, unless it is initiated by someone who feels strongly enough that this plan is unfair or not applicable to their situation. This policy affected the development and zoning changes that varies with the prevailing claim. It is important to know that when clients with a comprehensive claim complies with the zoning compliance, it is required by the State Act. In other words, the City is not supposed to take any action that is not compliant with the Land Use Plan, or the Comprehensive Plan. So if this Ordinance and policy is adopted, it gives the people residing in those single family areas an added level of protection. In other words, the government cannot come in and petition to have property rezoned in one deal because policy says, "No we can't do it." Then it is up to the Planning Commission to determine whether there is a need to initiate a further study to see if conditions have changed and perhaps the plan should be amended before they even consider amending the zoning map. So, people residing with that classification on this map have an added layer of property protection and that is what it is intended to do. There are a lot of communities in this area that are in transition and they are mixed use. It's not pure commercial; it's not pure single family residential; there is an apartment here and an office here. That happens all of the time. As I pointed out to you, you had a lot of changes and dwellings that have taken place in 1970 that are still

there that are no longer used as houses. They are serving other uses. This classification is applied to areas in transition, meaning areas that are changing, and are suitable to a variety of uses. When it is mixed and traditional change is likely, here the objective is to monitor and to get out the development and redevelopment process of areas so designated in an orderly manner by channeling change in such a way as to enhance and strengthen the outcome to make change a positive one. In other words, if you were sitting here in the seat of the Planning Commission and the Council, you had a rezoning request, it is incumbent on them to challenge you to see if what you are proposing is actually going to be beneficial to the community and be compatible with surrounding areas. We will entertain change in these areas, but we want that change to be positive and we want it to be reflective of improvement. We want to improve the area, not to degrade the area. The policy is to monitor and regulate the transitional process so as to enhance the environmental conditions and improve property values. So you will be looking at whether that is going to enhance property values in the area and if it is going to be environmentally sensitive. These are evaluated to determine the cause of change. Some areas that are designated are deteriorating or changing for worse, while others are changing for higher intensity or higher density and to carefully evaluate all proposals and changes in said areas to determine the impact of the transitional process. The policy really sets out a criterion for the Commission and the Council to use when evaluating re-zoning requests. These are the areas designated for transition. It is somewhat of a gray colored area. There is huge area here. This is Amelia Street and this is Waring Street. So it goes from Amelia, Waring, and down through here, all through this part of the City. This of course, is Boulevard and this is Columbia Road. This is the area out towards the Airport. This is the Airport. This is area in the south part of town. These are the areas that are mixed at this time. If you look at the zoning map, you will probably see several different zoning classifications in this area. What we are saying, by this designation, is that you make some in the future. You may see several of these classifications extended or contracted depending on market positions. Resident area border strips, this is something new that was not in the old plan or the plan. What we were trying to accomplish here; we recognize that the border is a single family residential area on Chestnut is not as desirable for living as the one that is not on Chestnut, because of the traffic, noise, dust and etc. The objective of this designation is to protect the interior while permitting limited use transition along the residential borders of such areas, generally where commercial development has been accessed across the street. Any areas of the City where traffic build-up and commercial development on one side of a major street and continued residential use and occupancy of the other side undesirable. We recognize that, but the previous plan had no conditions nor remedies of acting if it were designated single family residential. The areas over which this border strip has been laid is generally the single family residential border of areas designated or used for single family use. The policy of this designation is to permit limited change. Well, if you live in a house behind a house and he's going to change that zoning, I don't think that you want a McDonald's to come in there, not if you are going to continue to live behind it. Then at two or three o' clock in the morning, the trash from McDonald's blows back into your yard and after a while, you will get tired of smelling hamburgers. The policy of this designation is to permit limited change from residential to small scale office and other low intensity business uses, excluding retail. Wholesale and industrial uses have further means of fostering compatibilities between border end uses and interior residential uses. Recycling, or continued use of existing dwelling, structures for non-residential use, is favored over new commercial buildings and strip commercial business development is discouraged. What this statement is saying is that rezoning will be limited to and the reuse of that property will encourage you to recycle the residence. If I were to open an office in this area, it would be perfectly fine if I were to reuse a house. We are advocating limited change and that change is going to give property owners in some of these high traffic streets an alternative in actually living in their home. The alternative is not unrestricted business, the alternative is limited and we are discouraging strip commercial and a lot of new development, unless of course, the existing structures are not suitable for recycling. This is St. Matthews Road and this is Chestnut, there is a small neighborhood right here, single family area. This is a change that was recommended by the Commission. First we had recommended applying the border area on this side of the street where the small residential area is but the Planning Commission has recommended that the first row of homes be designated for future commercial use. That doesn't mean it is being rezoned, it is being designated to possibly be rezoned for future commercial use. Across the street from that is another single family area that is undergoing the same type of impact as across the street, but the Commission felt that here a more restricted designation would be appropriate because of the size of the residential area that would be impacted. Here a residential border area was recommended. Now, the entire area along Chestnut to Columbia Road is open to some commercial development or

rezoning, whether it is limited or B-1. We have looked at several other areas on St. Matthews Road and Columbia Road, but that idea was rejected due to the retention of residential areas. That doesn't include all of the districts, but that gives you a flavor and covers most of the areas of contention since we did the last map."

"This is a plan compliance index and the way this works is, we took the various land use classifications that I explained to you earlier, Single-Family-Residential and the main objective is to protect existing residential areas for single family use. Principal for many uses, single family detached site built dwellings, compatible zoning districts/A-1. Any other district is not consistent with the Comprehensive Plan. We do make an exception, we have an alternative zoning district which is PDD residential. This means you could approach the Planning Commission, with the plan development concept, and present that as a new zone within those areas. General residential areas designated, we have a number of them, the summary objective of them is to meet the needs of the changing residential market which we discussed earlier. The residential border strip, which we just reviewed with you, is to allow limited transition to border areas that are no longer desirable for residential use and protecting residential interiors is a two prong objective that we are trying to accomplish here. Single-Family-Office and other low intensity business development, A-1, A-2 and O-I. It still provides you alternatives that were not available in the previous plan. Mixed-Use, we went over that. This is our link between a Plan and an Ordinance. How do you know if you are operating, if what you are doing in your Ordinance is what the Plan is? This is how we know. If you go back to this compliance index and your requested zoning is in a compatible zoning district with what is identified on the plan map, then you are in fact consistent and the Council will go along with it, their action is consistent with the plan. Resource and Industrial areas, this is designed to show you the mechanics of the system and what is involved with the rezoning process and how this plan is linked, once adopted to decision, policies and actions of the Planning Commission and Council. That concludes everything I have to say."

Mayor Miller thanked Mr. Vismor and asked if there was anyone that would like to speak at the Public Hearing.

Senator Brad Hutto spoke to Council. "Thank you Mayor and Members of Council, I am here to speak in favor of the changes that have been presented on the Land Use Plan that would allow commercial development along Chestnut Street and the strip parcels 1412, 1218, and 1206 that we came before the Planning Commission about. They actually have recommended to you the entire strip down that side. In essence, the Walgreens and Burger King side all the way down to Popeye's. I am here to speak in favor of adopting this recommendation of this plan approved by the Planning Commission. We actually had a Public Hearing before the Planning Commission and no one came to speak in opposition to that. The other change I would recommend to you that was also taken up before the Planning Commission is one parcel, 1070 St. Matthews Road, which is right across from the old mall. It is basically one parcel that is surrounded by the credit union on the corner where Marion Moore used to have his building. Again, we appeared before the Planning Commission on that property and there was no opposition to that. We would recommend that change to you also."

Mayor Miller asked Mr. Vismor, "How is that set up on this particular Land Use Plan now?"

Assistant City Administrator Harley stated, "If you look behind the colored map in your packet, on the map it is designated as commercial business, that is the recommendation."

Mayor Miller asked, "Does that fall within this recommendation?"

Assistant City Administrator Harley stated, "It does."

Councilmember Miller asked, "Do you represent the property on Dantzler Street?"

Senator Hutto replied, "No"

Senator Hutto stated, "On another note, I would love to be annexed into the City. I heard how we need to grow and the amount of taxes I would need to pay to get my garbage picked up, to get a lower DPU bill, to not have to pay the fire fee and to have city police coverage and all of those things

that come with being in the City, I welcome you to come out and annex me. We would love to be in the City. I have to pay an out of the City fee when my son plays on the City soccer league."

Mayor Miller replied, "Now, I could almost say this was a paid commercial. I couldn't agree with you more."

Senator Hutto replied, "We only live a short distance from the City, I could throw a baseball into the City. I think that is a sentiment of many people who experience the fact that all of us say we live in Orangeburg, and we don't really live in Orangeburg. I know that is not the purpose of this Hearing, but I would like to say that to you."

Mayor Miller replied, "We would love to have those 34,000 people that are on the fringe to be in the City."

Senator Hutto replied, "He makes an excellent point to you, is that the amount of money you draw down in state and federal dollars is directly connected to what the City population is. Until we truly reflect what the urban area is about, we are losing out on some of the revenues."

Don Adkins addressed Council.

"Good evening, my name is Don Adkins."

Assistant City Administrator Harley stated, "If you look at your packet and flip to the page that has a map that is highlighted with several names under it on the corner of St. Matthews Road."

"I live at 1374 St. Matthews Road, replied Mr. Adkins."

"I am here to propose that City Council change the Land Use Map from Residential to B-1 Commercial for the south side of Chestnut Street at the corner of St. Matthews Road and down to the corner of Dantzler Street. The owners of the property are my brother, Steve Adkins and myself, Mr. Lois Hart, Ms. Annette White, Mr. Johnny Green, Ms. Frances Binnicker, Ms. Billie Culler, Ms. Bobbie Smoak and Ms. Sandra Miller. It being proposed as being a border strip where such things as doctors offices, real estate offices and insurance, that is fine. But this is a very high traffic area and eventually it needs to be commercial. It is just that the traffic is so bad trying to live there and we have very frequent accidents and it really needs to be commercial. Across the street is Walgreens and then across from there is Big Lots."

Mayor Miller stated, "I believe that is in the residential border area that is being proposed now. Your request is that we consider changing it to B-1?"

Mr. Atkins replied, "Yes."

Mayor Miller stated, "What we will have to do is take that under advisement."

Councilmember Miller asked Chief Davis, "Statistically, do we show a lot of accidents in the Chestnut area, I believe we call it the bottleneck?"

Chief Davis replied, "We haven't referred to it as a bottleneck, but we have accidents on Chestnut daily. Particularly, when we have inclement weather. I don't have the stats with me."

Councilmember Miller asked, "Is it all of the Chestnut area and St. Matthews crossing?"

Chief Davis replied, "We have identified the top five intersections that have the most accidents and three of them are on Chestnut."

Councilmember Miller asked, "My question then is, if we did change the area to B-1, would this cut down on accidents?"

City Administrator Yow stated, "It would be mere speculation for me to say if there would be any increases or decreases in accidents at that intersection."

Councilmember Rheney stated, "I couldn't agree with you more. We are looking at Walgreens down to Popeye's being commercial. I think that the corner and St. Matthews Road, with the development of the bank and the old mall being renovated thanks to Mr. Sanford, all of those houses face commercial businesses. If you go down Chestnut, you are facing commercial businesses. We had the same thing come up on the corner that Walgreen's is now. I couldn't agree more that this should be amended to B-1 also."

Councilmember Jernigan stated, "Dan, you've got in this alternative residential zoning district, residential borders, as none. If we change that to B-1, would that not, to a certain extent, do the same thing as commercial, only give a little bit more protection to the residents to that area.?"

Mr. Vismor replied, "I think it would."

City Administrator Yow stated, "One of the things that Council will also have as part of this overall plan is a chance to look at those buffer zones between commercial and residential as there has been some discussion whether the current buffer zones are adequate. At the same time, you will be able to look at the buffer zones toward intensifying those or lessening those."

Mayor ProTem Haire stated, "I am concerned that the population is decreasing and the source of revenue is lessened due to the decrease. I am concerned when it comes to reducing the amount of residences within the city limits. Unless this Council is serious about annexation, moving forward with annexation, I am simply not in favor of reducing the City anymore than what it presently is."

"I am Ms. Sandra Miller and I am speaking on the same thing, I inherited this property in question. Everything I am going to say, you've heard before. I actually live in St. Matthews, but I inherited this property. I am representing the property owners who you have heard before. We propose to change the Land Use Map that our property be zoned commercial. The property that I am concerned with is on the south side of Chestnut Street running from St. Matthews Road until Dantzler Street, directly across from the Walgreen's store. I would like to give you some history concerning this property. My family inherited the property this year from Carlisle Weathers, my father. I mention this only because he lived there forty-five years and it served him well as being residential property. If he were here tonight, I am sure he would tell you the changes that he saw and that have taken place. As he sat and watched from his window, he saw the modern Chestnut Street change into a fast, busy thoroughfare. When Dad bought this property, this neighborhood was excellent for families to raise children. Over the years, this has changed. No longer is it a great place with young children to live because of the traffic on Chestnut Street and St. Matthews Road and each year it seems traffic becomes heavier. My family, and the others here tonight, are very interested in changing the Land Use Map. The consultant addressed in his report that this property be changed from residential to border strip. The Planning Commission voted that this change should be made only on the Land Use Map. We really appreciate that they agreed to make this change. However, we would like to propose you go one step farther. We propose that you change the Land Use Map so that our property be zoned commercial, as we so desire. I would like to add that the Planning Commission did vote to change the Land Use Map on the north side of Chestnut Street and it is directly across from our property. It is difficult to understand how one side of the street has been changed to commercial and the other side has not changed. I know that some people do not like to see things changed. However, none of us can deny that the City of Orangeburg is changing and growing. As an old, retired school teacher, often I resist to changes too. I did not want to meet the challenges that the changes would make. A retired principal told me the only thing constant in life is change. So, I urge you not to let it be said that the Orangeburg City Council did not meet the challenge of helping our City grow and change. We property owners on Chestnut Street want very much to be a part of the growing Orangeburg City. We ask you to consider our proposal very carefully and we thank you for your time and consideration concerning this property. You were talking about limitations and I know that Mr. Haire didn't want to give up housing. But the houses in that area are really not feasible for families to live in now. They are going down hill and the houses are in disrepair. Even if I wanted to open a dress shop or antique shop, that is not possible with the border strip. No matter what we do retail, we could not use our property for it. The only thing we could use our property would be a dentist, doctor or real estate

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office. You see it is limiting us in what we can do and it is really not a good place to try to bring up a family."

Mr. Rich Heaton addressed Council. "I am the owner of Sign-A-Rama and I would like to talk to you tonight about the property at 1046 Bouelvard. The reason I blew this up, the last time I had a hard time conveying to the Planning Commission where this property was and how it was unique. I know you hear all the time how everyone's property is unique. What I hope to convey tonight, even though the Planning Commission and Mr. Vismor recommended this property be mixed use, I feel this particular piece of property will be better served as commercial or a commercial designation instead of mixed use, which may lead to some confusion on what we can have on this property. I think what they have recommended is that this entire block from here to Ellis be mixed use. What we are hoping for is that you may carve out this piece from the rest of the block. The property in question at 1046 Boulevard is a logical place for commercial growth as you can see from the commercial businesses all around it. At our current location, which is right here, we have residential all around us. It is across the street from State Credit Union and next to a strip center and is caddy cornered from where we are now. There was no opposition during the Public Hearing for us doing this. What they did, was block the whole block for mixed use instead of carving out that one piece. It falls in line with what has already been done in logical commercial growth. Our intended use for this property is to construct a new commercial building for our retail sign business. It is retail and not a manufacturing business. We are in need of a much larger customer service area to display the different interior and exterior signage, as well as the awnings that we sell. We feel the building will be an asset to the area and not a detriment. The mixed use designation would mean we would need the alternative B-1 classification, not the clear cut classification of commercial where you would get B-1. The design would follow suit with other commercial buildings in the area with even pluses, we would do a brick front, awnings in the front of the building, nice landscaping and curb appeal. We want to blend in with the community, we don't want the brass and glass building to stand out. We have been there for five and one-half years and we like where we are at. Another point of emphasis is the amount of outstanding buffer zone that is in place that has always been a concern. Where we feel this a logical transition commercial property because of the location, there is also some areas of adverse conditions which make it not appealing to residential family use. There is extensive termite damage and I will provide you a copy of that. There is an environmental ground water issue due to a petroleum leak or leaks in some terms, a contaminated site due to the gas station that used to be next to it and there is drainage issues. I have provided you with a letter regarding the termite infestation. The termite infestation is extensive which makes this structure not viable for repairs nor for a family to reside in the dwelling. After inspection from Michael Stroman, a licensed South Carolina home builder, he recommended that the home be demolished due to the cost of the repairs. The cost of the repairs exceeds the value of the structure. Without either repair or demolition, the dwelling will fall in further disrepair, not only causing an eyesore to the community but invite vandalism. I have also given you a copy of a letter from DHEC regarding groundwater environmental issues due to the petroleum leak. That is biggest problem for this piece of property and on June 30, 1998, it was discovered on that property as a result from a leak from the Gulf Station next door. The release has a priority classification as a 3DF, meaning groundwater is less than 15 feet deep in sand and gravel. There are monitoring wells already in place on that property. A comprehensive groundwater sampling is the next scope of work that is planned to be conducted on the site. This situation makes it undesirable and questionable to lending institutions in regards to single family and multi family use. Drainage in addition to the termite damage and environmental issue, there are also drainage problems that will have to be addressed with anyone who purchases the property, regardless of the use. With all these factors coming into play, we feel that a change in the land use designation to commercial will not only be appropriate but beneficial to the community and surrounding areas. 1046 Boulevard is already in a commercial area, it sits across the street from a bank, next to a shopping center, and adjacent to the retail center that we are currently in. Couple the ideal location with the amount of problems of this property with termite damage, environmental issues and drainage problems, it makes for a good situation for transition to commercial. Now, as I said earlier, we are in a very similar situation where we currently are now, we back up and have neighbors who are residents and we certainly never had any complaints from those neighbors.

One thing that I wanted to show you also, in addition to this, was that if you look at where we are at, this is the bank and this is the piece of property across the street. It certainly implies commercial. I don't think anyone who comes through there thinks it is already commercial. If you coming up

Boulevard from this way, it's right here where all those trees are. You have a pretty major strip center, a convenient store, a newer strip center, an old gas station here, a bank and this property sits right across from there. It gives you a little bit better of an angle. I would like to thank you and if you have any questions, I would be happy to answer them."

Councilmember Miller asked, "Do you own the property now?"

Mr. Heaton replied, "No, we have it under contract."

Councilmember Miller stated, "It seems you must have a great deal of termites, just knowing termites are there, there are probably a lot of homes in the area that have termites. My concern is that it needs to be treated and the chemical in the ground as well."

Mr. Heaton stated, "What would be recommended for that home is that it is at the point that there is not just termites, there is rot and the structure is failing and it would cost too much to rebuild that house. We have had many commercial contractors go in and look at it. The homeowner, himself, who is selling it, also did this. We wanted to know if we got this property and if we kept the house, what would be the cost to repair it? It would cost too much to repair the home rather than build a new building."

Councilmember Jernigan asked City Attorney Walsh, "Could that piece of property be zoned or designated commercial without the whole block, if they do the whole block as mixed?"

City Attorney Walsh replied, "We are dealing with the Land Use Plan tonight and we are not dealing with zoning. It would depend on what the Land Use Plan designates."

Councilmember Jernigan asked, "If it is designated commercial, could the rest of the block be mixed use?"

City Attorney Walsh stated, "It would depend on the Land Use Plan, if you put it in commercial, you would zone it business."

City Administrator Yow stated, "I believe Mr. Jernigan is asking, is if the land use changes to his request, would it be spot zoning?"

City Attorney Walsh replied, "As long as you are in compliance with the Land Use Plan, you are not spot zoning."

Mr. Vismor stated, "I don't think; however, you would want to create a spot commercial zone or area in an otherwise mixed use area."

Councilmember Jernigan asked, "My next question is what can't you put in a mixed use area?"

Mr. Vismor stated, "You can do Commercial-1 in a mixed use area, it is indicated in the alternative category and the difference between the alternative and compatible zones is the one that best meets the needs of that district or map. However, to keep everything from having to go back to the Planning Commission for a plan map amendment, the alternative zone classification or designation is designed to give the Commission and the Council some additional latitude. You could turn it down saying, you don't think it fits. You could turn it down even if it is commercial because you could say the traffic is such and there could be other extenuating circumstances that would result in your disapproval in your rezoning request. But, as the Plan now stands, he could petition the Commission for B-1 Zoning. We don't have to change that plan to keep him from doing that. Whether or not you will approve it for B-1 zoning, I don't think that if we would show it on the map it would make much difference. I think you are going to weigh that on its own merits."

Councilmember Jernigan asked, "What is your objection to mixed use?"

Mr. Heaton responded, "To be honest with you, if I could get a B-1 license, I would have no objection. However, how it has been explained to me and in some way it has been vague, at a mixed

use and then I have to petition Council for a B-1 license. There are several other alternatives that you could say, no we are going to give it an occupational license or, we are going to give it a multi-family license or that type of thing. As I saw it up here on the board, you have an alternative on the right hand side that had B-1 in it. If that alternative was also allowable where we provided a good site plan, good architectural drawings, etc., that would certainly be fine. But, there was always a cloud of uncertainty as it was explained to me on mixed use whether you could use that property for commercial use. On a commercial piece, there is no designation of B-1."

Mr. Vismor replied, "You have to understand, this is not a zoning map, you still have to go through the proper application process. The way we have it set up now, even as an alternative, you are permitted to go through the application process just as you are permitted to go through the application process even if it was designated red up there, general commercial. There are no certainties in rezoning based on what we are showing on this map. That is still a separate process. Even if we showed it as commercial on this map, the Commission and Council could turn it down for other reasons in compliance with the Plan. Residents could show up and say it is going to have a negative impact because of increased traffic or noise. There could be a lot of extenuating circumstances that

could bring the people out of the neighborhood to that Public Hearing and should they show up at the Public Hearing, they will be listened to, by the Commission and the Council."

City Administrator Yow stated, "We are still not talking about any of the text of the Zoning Ordinance also. The definitions in the text could also affect what is allowed in certain districts."

Mayor Miller stated, "What is being recommended is the suggested land use, it doesn't have anything to do with zoning. I know what you are saying and hope that it would be, that is your ultimate aim and these other individuals that spoke have a desire for commercial use. What we are looking at is the recommendation of what the land use should be. Industrial could be what is recommended. I understand what you are saying and that is what the Public Hearing is about to find out what the public wants, but you still, as Mr. Vismor said, would have to come back before the Planning Commission to put your sign shop on the property and the same goes true for those of you on Chestnut, there may be citizens who have property adjacent that may not want a certain business or application backing up to their homes. Does that make sense? This is a different kind of process."

Mr. Heaton stated, "I understand, you had asked me why commercial instead of multi-mixed use. How it was explained to me prior to this meeting, for mixed use once we got to that next step, there is a lot more questions on what it would be rather than commercial."

Ms. Lisa Ridgen addressed Council. "I am Lisa Ridgen and the property I want to discuss is at 771 Dantzler Street. I would like to request a land use change to commercial or mixed use whichever would meet my need. I would like to give you some background information. We have had a daycare here at 771 Dantzler Street for twenty-eight years operating with a business license. Sixteen years ago, we moved another small building next to the daycare on the same property, same address and it was used as part of the daycare. We were using it as a separate kindergarten, but for the last three or four years, we have not used it since we did not have the 3 and 4 year old kindergarten. In January 2004, I began preparations on the building for two tanning beds and would like to sell handbags and sterling silver. My intention was to basically provide an extra service for my parents. Anyway, I did not realize that it was a difference at that time in the zoning and land use and that type of thing. So, I got the letter of denial and I was in the process at that time of getting the property ready and doing construction in the building for the tanning beds when I got the letter stating it was denied for use as a tanning facility. That is what I am here for tonight to request a land use change to commercial or multi-use, whichever one would work."

Mayor Miller replied, "Let me understand what you are asking, you are asking that your piece of property be designated only commercial. The only reason why I am asking, I am not sure, but I would think that would be called spot zoning."

Assistant City Administrator Harley, "Again, we are dealing with the Land Use Plan and the property she is talking about is currently on the proposed Land Use Plan as mixed use according to Mr. Vismor's map on the left in the gray area. Of course, mixed use would allow to some extent. She is asking for a little more than what that property is requested for instead of mixed use, she would need commercial on the land use."

Mayor Miller asked, "My question is this, you can't go into the middle and carve a piece out as commercial, can you?"

City Attorney Walsh, "You shouldn't just pick one piece of property in the middle and designate it commercial. That is Council's decision, but it wouldn't make sense to do that."

Ms. Ridgen stated, "It is one block down in each direction and it is already commercial, I am assuming, because just right down the street, a tanning business has opened since I have been going through this process. There is an exterminating business in a house, and there is a consulting office in a house."

Mayor Miller asked, "I think I need some clearance on that, wouldn't these properties need to be contiguous?"

Assistant City Administrator Harley stated, "She is correct, Wilson Street going back toward Summers is business on the zoning map. From Ballard Street going back toward Boulevard is business on the zoning map. All of that is mixed use designation. On Mr. Vismor's map again, that area is recommended that the property and the rest of that street would be contiguous. If you were to do that, it would be wise to designate a greater area to be commercial instead of one piece. If you go back to Mr. Heaton's question, if you say mixed use, you are acknowledging that this area is in transition, but you are not saying precisely that this particular property is appropriate for general business operations."

Councilmember Jernigan asked, "Ms. Ridgen, do you understand what he is saying?"

Ms. Ridgen replied, "I think so, Warren has been explaining it to me since January of 2004."

Councilmember Jernigan, stated, "In other words, if they were to say mixed use land, then you would have to come to zoning and make a request for it to be rezoned for your business, then it may or may not be."

Ms. Ridgen replied, "I understand."

Jeremiah Alston addressed Council. "Good Evening Mr. Mayor and members of Council. My name is Jeremiah Alston and I am here to come before you concerning property at 1237 Chestnut Street. This property is included in the border strip and my request and consideration is to have this property changed from residential to O-I. I am asking for a land use change to O-I. I understand that this is included in the border strip."

Mayor Miller stated, "If this goes through that would be an acceptable use."

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

Hearing no further comments, the Public Hearing was closed.

Council then entered into the regularly scheduled City Council meeting.

An invocation was given by Reverend Nate McMillian, pastor of Petra Community Church in Orangeburg, SC.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Jernigan, to approve the March 7, 2006, City Council Minutes as distributed. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Jernigan, to approve the Second Reading of an Ordinance to assign newly annexed property along Chestnut Street to voting Districts #2 and #4. This motion was unanimously approved.

Councilmember Miller addressed Council in regards to a nominee to the Aviation Commission. He stated, "Mr. Kevin Bell is a fine gentleman, I feel he has a great interest in the airport. I spoke with him over an hour and he seems to be very passionate about the airport and I think he would be an attribute there and this came from a recommendation from Councilmember Jernigan. It is hard to find dedicated members to sit on Commissions, especially on the Aviation Commission, and I don't think we will have any problems from him and he will be a great asset to the community of Orangeburg."

Councilmember Jernigan stated, "I have known Mr. Bell for many years and he is a pilot and he is a good guy. He was president of the Pilot's Association at the airport and he is still flying in and out of the airport. He has a vested interest out there and I think he will make a good commissioner out there."

A motion was made by Councilmember Miller, seconded by Councilmember Jernigan, to approve the appointment of Mr. Kevin Bell to the Aviation Commission for District #5. This is a four year term ending January, 2010. This motion was unanimously approved.

There were no utility matters brought before Council.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Rheney, to enter into an Executive Session for a legal matter concerning the Administrative Department regarding an annexation policy, and a contractual matter concerning the Department of Public Utilities regarding natural gas purchase. This motion was unanimously approved.

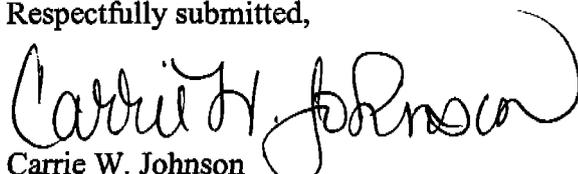
Council entered back into Open Session.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to approve a Resolution authorizing the Manager of DPU to execute a service agreement between Carolina Gas Transmission Corporation for Rate Schedule FT and an Umbrella Service Agreement between DPU and Carolina Gas Transmission Corporation for the purpose of natural gas transportation service. This motion was unanimously approved.

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

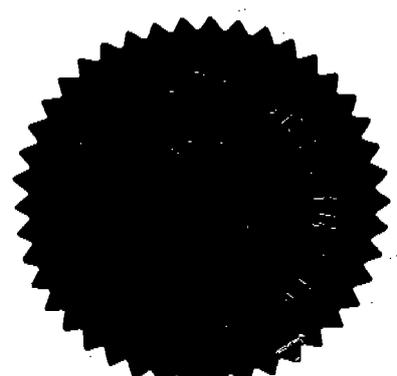
There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson
City Clerk

/pfb





RESOLUTION

A RESOLUTION AUTHORIZING THE MANAGER OF THE DEPARTMENT OF PUBLIC UTILITIES OF THE CITY OF ORANGEBURG TO EXECUTE A SERVICE AGREEMENT BETWEEN CAROLINA GAS TRANSMISSION CORPORATION FOR RATE SCHEDULE FT AND AN UMBRELLA SERVICE AGREEMENT BETWEEN THE DEPARTMENT OF PUBLIC UTILITIES AND THE CAROLINA GAS TRANSMISSION CORPORATION FOR THE PURPOSE OF NATURAL GAS TRANSPORTATION SERVICE

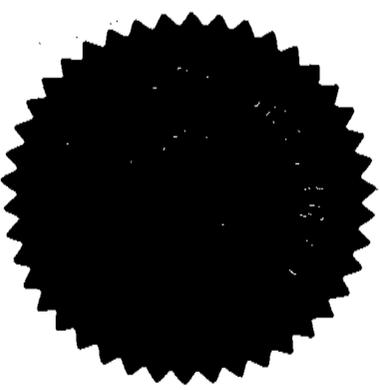
BE IT RESOLVED By the Mayor and Members of Council of the City of Orangeburg, South Carolina, in Council assembled, and by authority of the same;

That the Department of Public Utilities and Carolina Gas Transmission Corporation enter into a Service Agreement for Rate Schedule FT and an Umbrella Service Agreement for the purpose of natural gas transportation service between Carolina Gas Transmission Corporation and the City of Orangeburg;

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 these Agreements 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 Service Agreement and the Umbrella Service Agreement on behalf of the Department of Public Utilities of the City of Orangeburg.

RESOLVED BY City Council duly assembled this 21st day of March 2006.



Lawrence M. Min

MAYOR

Samuel Haire

Andrea P. Knight

Charles A. Miller

Chris D. Jones

Joseph P. Kenealy

MEMBERS OF COUNCIL

ATTEST:

Carrie W. Johnson

CITY CLERK

CITY COUNCIL MINUTES
April 4, 2006

Orangeburg City Council held its regularly scheduled meeting on Tuesday, April 4, 2006, 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 welcomed visitors from Claflin University who are currently taking a Criminal Justice class taught by Chief Davis.

A motion was made by Councilmember Miller, seconded by Councilmember Jernigan, to approve the March 21, 2006, City Council Minutes as distributed. This was a 6-0-1 vote as Councilmember Barnwell abstained as he was not present at the last meeting.

City Administrator Yow presented to Mayor Miller a SCDOT Transportation Enhancement Grant check in the amount of \$200,000.00 for continuation of the City's streetscape project on Russell Street from Doyle to Centre Streets.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Knotts, to approve the Third Reading of an Ordinance to assign newly annexed property along Chestnut Street to voting Districts #2 and #4. This motion was unanimously approved.

Department of Public Safety Director Wendell Davis accepted the Character Trait Proclamation "Cleanliness" for the month of April, 2006.

City Administrator Yow advised Council and recommended that the first reading of an Ordinance adopting a Comprehensive Plan could be postponed pending further study by Council. Any additional questions may also be directed to Mr. Dan Vismor, consultant to the Comprehensive Plan.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to accept the recommendations by the City Administrator to postpone this item. This motion was unanimously approved.

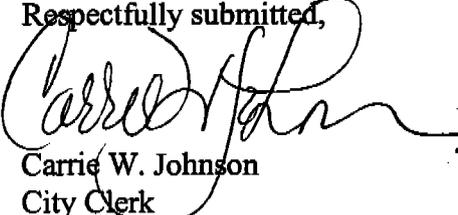
Discussion was held on the budget calendar and the dates that Council would need to check on and if any of the dates were unacceptable, to get in touch with City Administrator Yow by Friday, April 7, 2006.

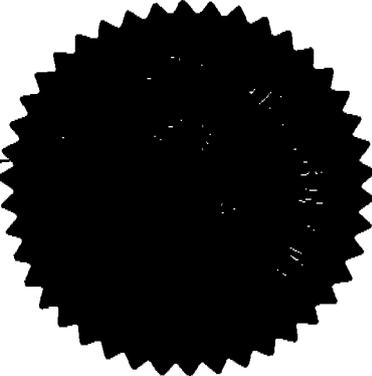
There were no utility matters brought before Council.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Rheney, to enter into an Executive Session for discussion on conveyance and purchase of real property concerning the Parks and Recreation Department. This motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,


Carrie W. Johnson
City Clerk



CITY COUNCIL MINUTES

April 18, 2006

Orangeburg City Council held its regularly scheduled meeting on Tuesday, April 18, 2006, 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

A motion was made Councilmember Rheney, seconded by Councilmember Barnwell, to approve the April 4, 2006, City Council Minutes as distributed. This motion was unanimously approved.

Mayor Miller presented to Dr. Tim Autry of Claflin University a Proclamation for Claflin University Athletic Days. He introduced the coaching staff and many students from different sports were in attendance.

A motion was made by Councilmember Barnwell, seconded by Councilmember Miller, to approve a Resolution supporting the South Carolina Community Development Block Grant Program. This motion was unanimously approved.

City Administrator Yow addressed Council concerning the Ordinance adopting a Comprehensive Plan for the City of Orangeburg. He stated the Planning Commission had recommended several changes to the Land Use Element of the Plan. Those changes were reviewed at the previous Public Hearing with related documents. Council was thanked for the time and effort put forth in studying the overall plan, particularly the Land Use Element.

Councilmember Rheney stated, "I have a concern, I think it is totally unfair for the homeowners in the first block of Chestnut Street, directly across from Walgreen's drugstore, to have their properties zoned other than business. Walgreen's is a business, we are voting on the next block as a business on the same side of the street and we have these five different homeowners in that area that would like to have their properties reclassified in the Land Use Plan as business instead of mixed use or residential border strip. All of those houses would go for a business eventually. If we go that far, we should treat that as 100% business. Those homes face a business and we are not going to have anyone live there in those five homes and we have two blocks on the other side that are business. I think we should amend this area for business."

For verification, City Administrator Yow stated, "As everyone knows, this is the recommendation that came from the Planning Commission. Mr. Vismor made his recommendations and gave some alternatives to the Planning Commission. What you have before you tonight is not a staff recommendation, we bring to you what comes from the Planning Commission. Council can adopt this Plan as set forth from the Planning Commission and if you do not want to do that, you need to say what changes you need to have as a recommendation. You will need to set forth what changes need to be made."

Mayor Miller stated, "We are not zoning anything tonight as there is an element of confusion about what we are doing. It is my understanding we are voting on a Comprehensive Plan, which encompasses seven elements, and we had a recommendation from the Planning Commission as we have had in previous years and the Land Use is one of those seven elements. If you want to make changes as it relates to the Land Use, it will need to go back to the Planning Commission and then back to Council, with those changes and amend it to be what you want it to be. The purpose of this is to adopt a

Comprehensive Plan. It is not a rezoning situation, you will have to go back and change the border strip to allow certain types of businesses."

City Administrator Yow stated, "The Land Use change is a pre-requisite to a zoning change and if the Land Use was changed in an area, a zoning request could be made."

City Attorney Walsh stated, "Maybe we should to send this back to the Planning Commission if we have a great deal of amendments to the Plan. It may be more appropriate to tell the Planning Commission what your goal is and send it back to them for review."

Councilmember Rheney stated, "Remember, it is residential and there is a change there that he wants to recommend it for Mixed Use or border strip, so that is one change."

Mayor Pro Haire stated, "I have an objection as it is being proposed, I agree that we should send it back to the Planning Commission with objections. I have an objection as it relates to Fairfield and Boulevard Streets. If you notice on Ellis Avenue, there is a major renovation of an older home in that area and there is a proposal to a change at the corner of Fairfield and Boulevard to Business or Multi Use. My objection is, if we allow that to happen, there are two other residences that are located between Fairfield and Ellis and there will be pressure on them and who knows about Ellis Avenue, there is pressure on those on that street to get additional property for commercial use. I object to that area being commercial or Multi Use, it should remain residential. I don't think we need to put businesses in a residential area and I have an objection to that."

Councilmember Barnwell replied, "I concur with Mayor Pro Tem Haire's statements, not only are there substantial renovations, but you have Dr. Disher who lives next door who has been there for quite some time. I have three objections. On the south side of Pecanway of Chestnut, I don't think there should be any changes. I have gone back in that neighborhood and I have spoken with residents there and that whole neighborhood is a substantial residential area. That was part of my campaign, not to destroy neighborhoods. We are committed to maintain the integrity of single family residences. I feel we should leave that as residential."

Councilmember Knotts stated, "One of my basic concerns is this as I have gone through the neighborhoods also. My biggest concern is the persons who are living in those neighborhoods, what are they saying? Do they understand fully what we are talking about? I am thinking from what I have heard, they are not clear on what we are talking about as it relates to the Comprehensive Plan. Are we talking about rezoning their properties? How do you make a determination and define for these residents what are we talking about as it relates to the Comprehensive Plan. I feel we need some additional education on what we are talking about as it relates to the Comprehensive Plan. People feel like their property may be taken away and people who live in this area can't afford to move. I understand on both sides of the coin."

City Administrator Yow stated, "As you know, before the Planning Commission meetings, there were public notices and before the City Council Public Hearings, there were public notices and several people did attend. In defense of City Council, we have had public hearings and several people have called and have asked a lot of questions. If you make changes to the Land Use and if there was a request for rezoning, it would have to go back to the Planning Commission and there would have to be another public notice and then it would have to go back before City Council again and have another public notice with a public hearing. In such a case, there would still be people who still don't get any notice or don't understand."

Mayor Pro Tem Haire asked, "How many people are affected by these changes that are adjacent to these properties?"

Assistant City Administrator Harley stated, "Approximately, a couple of hundred."

Mayor Pro Tem Haire replied, "The reason why I am asking this is that I don't think these residents comprehend what is going on. I really think if people understood what is being proposed, there would be more people here. I have rode through the areas and I feel there must be a better way to communicate with these people. I hear what you are saying about the public hearings."

Page 3

Councilmember Barnwell stated, "I don't think a lot of people know what a Land Use Plan is, if you say zoning of property, they will know that they are affected."

Councilmember Miller stated, "I don't know where we are at right now and what is our next move."

Councilmember Jernigan stated, "Back when we were changing the Land Use and zoning of the possibility of Walgreen's coming in, we had a pretty substantial group that came in from over there and complained to us about rezoning and changing that land there for that area. We went ahead and did it because we felt it was the right thing to do. I don't see any difference from what we did then to what Mr. Vismor or what Councilmember Rheney is proposing now. We plan on changing the Land Use and if it comes to a point where someone wants a business there, they are going to have to come back before the Planning Commission and get a zoning change. If someone disagrees then, they can come forward and talk about it. At this point, some of that area is in my district and I have not had a single phone call from anyone who objected to what we are planning."

Mayor Pro Tem Haire replied, "I am glad you brought up the point about Walgreen's because I thought we had talked about buffers and I look at what is there now and I don't see a buffer. We are talking about doing additional damage to the residential area and I don't see any future buffers."

Councilmember Jernigan stated, "I think we should have had stricter rules on buffers and I would like to also see what it would take to improve our Plan as far as buffers and enforcing them more. We are running people out of the City in favor of commercialization."

Mayor Miller stated, "I have tried to listen about these properties. I am not in favor of destroying any residential neighborhoods. Several years ago, we had a zoning issue on Columbia Road. Columbia Road has always been a deciding issue of residential and business and we had the strong move to rezone the property on the corner for business and we had a lot of people come in from Pinebrook and Loblolly who were strongly opposed to the rezoning. We continued to maintain the integrity of the residential neighborhoods. At the same token, Chestnut Street and St. Matthews Road serves as a border or a line that separates residential and commercial. I took the time today to go down Dantzler Street and Gloria Street and talk to some residents and there was not one resident that wants a business on the corner. There was one lady who just bought a house there a year and a half ago. The other residents stated that they did not want to see any businesses in the area. I feel like that section should stay single family. It still serves the purpose of residential. We are going to shrink our City. I know it is across from Walgreen's, but there has to be a line somewhere."

City Administrator Yow stated, "If you adopt what is on the agenda tonight, you are adopting what the Planning Commission has recommended, not anything else."

Councilmember Rheney stated, "We have already encroached on the Walgreen's side and we have gone into that neighborhood and the same thing with Pecanway Terrace. The side that faces Walgreen's should be business and not border."

Mayor Miller read the Ordinance for adopting a Comprehensive Plan for the City of Orangeburg. There was no motion and the Ordinance did not pass.

Council collectively went through each property (or group of contiguous properties) in question and decided on each individually.

Assistant City Administrator Harley stated, "The south side of Chestnut was recommended by the Planning Commission to be border strip and the property owners, Green, Alston, Atkins, Hart & Miller requested that this be commercial or you could keep how it is now, residential."

A motion was made by Councilmember Jernigan, seconded by Councilmember Rheney to make the south side of Chestnut Street from St. Matthews Road to Ellis Avenue to commercial in the Land Use Plan.

A substitute motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to deny the recommendation of the Planning Commission as it involves the south side of Chestnut Street and have this area remain residential in the Land Use Plan. This was a 5-2 vote as Councilmembers Rheney and Jernigan opposed. The original motion was then voted on and failed 2-5 with Mayor Miller, Mayor Pro Tem Haire, Councilmembers Barnwell, Knotts and Miller opposing.

Assistant City Administrator Harley stated, "The north side of Chestnut, between Popeye's and Mahan & Nelson Streets, the Planning Commission recommended that this section be commercial and was also requested by the property owners be commercial."

A motion was made by Councilmember Jernigan, seconded by Councilmember Miller, to accept the recommendation from the Planning Commission to make the north side of Chestnut Street commercial. This was a 6-0-1 vote as Mayor Pro Tem Haire abstaining.

Assistant City Administrator Harley stated, "The Floyd property on St. Matthews Road, next to the bank, it is recommended by the Planning Commission that this be changed to commercial."

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, that this property remain residential. This was a 5-2 with Councilmembers Rheney & Jernigan opposing.

Assistant City Administrator Harley stated, "The next property is on Fairfield Street off of Boulevard, owned by Mr. Ott. It was recommended by the Planning Commission as mixed use; it is currently general residential and it is requested by the property owner to be changed to commercial."

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, for this property to remain the same, general residential. This motion was unanimously approved.

Assistant City Administrator Harley stated, "Mr. Heaton's property is recommended by the Planning Commission as mixed use and the other properties in the same area going toward Ellis as mixed use. The property owner, Mr. Heaton has requested this property be commercial."

A motion was made by Mayor Pro Tem Haire seconded by Councilmember Barnwell, that this area remain the same, general residential, and deny the Planning Commission's recommendation. This was a 4-2-1 vote as Councilmembers Jernigan and Rheney opposed and Councilmember Miller abstained.

A substitute motion was made by Councilmember Jernigan, seconded by Councilmember Miller, to accept the Planning Commission's recommendation to make Mr. Heaton's property Mixed Use and the remaining properties in the area, residential. This was a 3-4 as Councilmembers Barnwell, and Knotts, Mayor Miller, and Mayor Pro Tem Haire opposed.

Assistant City Administrator Harley stated, "The property owned by Lisa Rigden on Dantzler Street has been recommended by the Planning Commission as Mixed Use and the property owner requested commercial on the Land Use. The area on Dantzler Street is several blocks that the Planning Commission has recommended as Mixed Use."

A motion was made by Councilmember Rheney seconded by Councilmember Jernigan, to accept the recommendation of the Planning Commission for blocks on Dantzler Street to be Mixed Use. This was a 4-2-1 with Mayor Pro Tem Haire and Councilmember Barnwell opposing and Councilmember Knotts abstaining.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to approve the First Reading of an Ordinance to adopt a Comprehensive Plan for the City of Orangeburg as amended by City Council. This was a 5-2, with Councilmembers Rheney & Jernigan opposing.

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to approve a Resolution authorizing the exchange of properties between the City of Orangeburg and the Orangeburg Family YMCA, Inc., for the purpose of correcting boundary lines and to purchase an

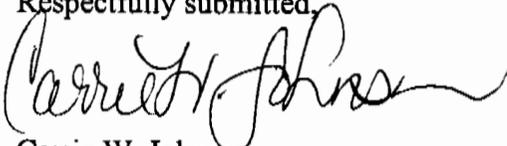
additional 1.524 acres for the consideration of \$5,500.00. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Knotts, to approve the City of Orangeburg's Fiscal Year 2006-07 Budget Calendar. This motion was unanimously approved.

There were no matters concerning the Department of Public Utilities.

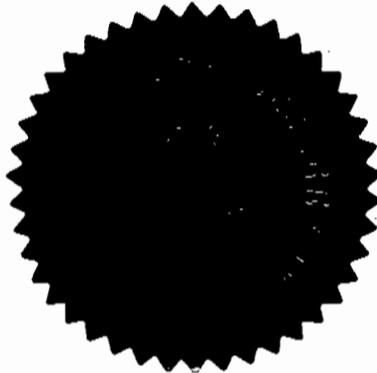
A motion was made by Councilmember Miller, seconded by Councilmember Barnwell, to adjourn. There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson
City Clerk

/pfb





RESOLUTION

WHEREAS, the week of **April 17-23, 2006** has been designated as National Community Development Week in the City of Orangeburg, South Carolina, who is a participant in the Community Development Block Grant program, which funds a myriad of social service, economic development, and housing programs in this community; and,

WHEREAS, in this community and in communities throughout the nation, thirty years of Community Development Block Grant program funding has developed a strong network of relationships between this local government, residents and the many non-profit agencies that provide services and help make possible our commitment to those neighborhoods; and,

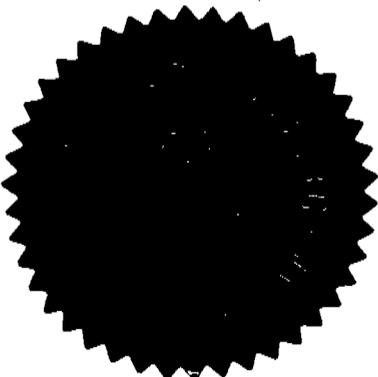
WHEREAS, this community recognizes that the Community Development Block Grant program is a partnership of Federal, State, and local government, business, non-profit and community efforts, and that the services funded by the Federal CDBG program, administered by the local government and often delivered by local non-profit organizations, relies heavily on the dedication of and good will of our combined efforts.

THEREFORE, BE IT RESOLVED, that during National Community Development Week 2006 this community will give special thanks and recognition to all participants whose hard work and devotion to the neighborhood and their low and moderate income residents help ensure the quality and effectiveness of the Community Development Block Grant program; and,

Be It Further Resolved, that this community, along with the service providers and others whose names are appended to this Resolution, hereby petition the U.S. Congress and Administration to recognize the outstanding work being done locally and nationally by the Community Development Block Grant program, and of its vital importance to the community and to the people who live in its lower income neighborhoods; and,

Be It Further Resolved, that copies of this Resolution be conveyed to the appropriate elected and appointed officials of the Federal government and that the City of Orangeburg, be added to the roll of those committed to the preservation and full funding of the Community Development Block Grant program and maintenance of its essential features over the course of the next session of Congress.

PASSED BY the City Council of the City of Orangeburg, South Carolina, on this 18th day of April 2006.



James M. ...

Mayor
James H. ...

Sandra F. ...

Charles B. ...

Thelma A. Miller

John D. ...

June W. ...

Council Members

Attest: *Carrie H. Johnson*

City Clerk

A RESOLUTION AUTHORIZING THE EXCHANGE OF PROPERTIES BETWEEN THE CITY OF ORANGEBURG AND ORANGEBURG FAMILY Y.M.C.A., INC. FOR THE PURPOSE OF CORRECTING BOUNDARY LINES AND TO PURCHASE AN ADDITIONAL 1.524 ACRES FOR THE CONSIDERATION OF \$5,500.00

WHEREAS, the City of Orangeburg purchased 131.74 acres from Orangeburg Family Y.M.C.A., Inc. by deed dated February 26, 2004 and recorded in the Office of the Register of Deeds for the County of Orangeburg, State of South Carolina in Deed Book 1028 at page 75, and;

WHEREAS, the above purchase by the City of Orangeburg was for the purpose of the construction of a recreational complex, and;

WHEREAS, the initial design of the recreational complex requires that the boundaries of the property purchased by the City of Orangeburg and the remaining property retained by Orangeburg Family Y.M.C.A., Inc. be adjusted to achieve the most feasible recreational use of the property of the City of Orangeburg, and;

WHEREAS, the parties have agreed to said boundary adjustments and the conveyance of an additional 1.524 acres to the City of Orangeburg for said purposes.

NOW THEREFORE, BE IT RESOLVED BY CITY COUNCIL DULY ASSEMBLED, that the City of Orangeburg purchase an additional 1.524 acres described herein below for the purchase price of Five Thousand Five Hundred and no/100 (\$5,500.00) Dollars from Orangeburg Family Y.M.C.A., Inc.

BE IT FURTHER RESOLVED, that the City of Orangeburg by way of cross deeds to and from Orangeburg Family Y.M.C.A., Inc. exchange the below described properties ("Exchange Properties") for the purpose of adjusting the boundary lines of the properties of the parties to achieve the most feasible and economical use of the property of the City in the construction of its recreational complex thereon.

BE IT FURTHER RESOLVED, that John H. Yow, City Administrator is hereby authorized to execute said exchange deed and purchase the below described 1.524 acres for the purchase price of \$5,500.00.

1.524 acres:

All that certain piece, parcel or tract of land, with any improvements thereon, situate, lying and being in Limestone Township, Consolidated School District 5, County of Orangeburg, State of South Carolina, containing 1.524 acres and being set forth and shown as Tract A-3 on a plat of 151.35 acres prepared for Y.M.C.A. of Orangeburg prepared by Edisto Engineers and Surveyors, Inc., approved by Richard L. Stroman, R.L.S., dated August 16, 2002 and revised August 22, 2002, December 30, 2003, December 8, 2005, and March 31, 2006 and recorded in the Office of the Register of Deeds for the County of Orangeburg, State of South Carolina in Cabinet _____ at page _____ and having the following boundaries and measurements: Northeast by Tract A-2 on said plat 386.44 feet; Southeast by Tract A-1 on said plat 196.26 feet; Southwest by Tract A-1 on said plat 348.01 feet; and West by Tract A-1 on said plat 167.92 feet.

Exchange Property to City of Orangeburg:

All that certain piece, parcel or tract of land, with any improvements thereon, situate, lying and being in Limestone Township, Consolidated School District 5, County of Orangeburg, State of South Carolina, containing 131.74 acres and being set forth and shown as Tract A-1 on a plat of 151.35 acres prepared for Y.M.C.A. of Orangeburg by Edisto Engineers and Surveyors, Inc., approved by Richard L. Stroman, R.L.S., dated August 16, 2002 and revised August 22, 2002, December 30, 2003, December 8, 2005, and March 31, 2006 and recorded in the Office of the Register of Deeds for the County of Orangeburg, State of

South Carolina in Cabinet _____ at page _____ and being described as follows: Beginning at a point located on S.C. Highway S-38-1637 and identified on said plat as an iron pipe found, being a 1½ inch pipe, and being the northeastern terminus of line L1 (point of beginning) and running from said point South 41°15' 32" W for a distance of 99.81 feet along said S.C. Highway S-38-1637 to a point, thence turning and running South 48°38' 52" E for a distance of 65.92 feet along the said S.C. Highway S-38-1637 to a point, thence turning and running South 48°38' 52" E for a distance of 793.37 feet along property of Claudia W. Covington to a point, thence turning and running North 33°19' 5" E for a distance of 847.18 feet along property of Claudia W. Covington to a point, thence turning and running South 21°59' 39" for a distance of 181.82 feet along Caw Caw Creek to a point, thence turning and running South 28°35' 30" W for a distance of 70.18 feet along Caw Caw Creek to a point, thence turning and running South 00°26' 24" E for a distance of 403.85 feet along Caw Caw Creek to a point, thence turning and running South 1°56' 34" W for a distance of 245.37 feet along Caw Caw Creek to point, thence turning and running South 3°31' 54" W for a distance of 290 feet along Caw Caw Creek and separating property of Steven W. Jeffcoat to a point, thence turning and running South 1°57' 20" E for a distance of 299.71 feet along Caw Caw Creek, separating property of Steven W. Jeffcoat and Betty S. Baughman, to a point, thence turning and running South 29°48' 56" W for a distance of 96.77 feet along Caw Caw Creek, separating property of Betty S. Baughman, to a point, thence turning and running South 64°8' 33" W for a distance of 102.86 feet along Caw Caw Creek, separating property of Betty S. Baughman, to a point, thence turning and running North 80°54' 31" W for a distance of 87.34 feet along Caw Caw Creek, separating property of Betty S. Baughman, to a point, thence turning and running South 38°51' 20" W for a distance of 48.62 feet along Caw Caw Creek, separating property of Betty S. Baughman, to a point, thence turning and running South 73°17' 2" W for a distance of 17 feet along Caw Caw Creek, separating property of Lawrence D. Johnson, et al, to a point, thence turning and running South 73°17' 2" W for a distance of 1,442.10 feet along property of Margaret C. Dukes Trustees, et al to a point, thence turning and running North 62°22' 49" W for a distance of 1,729.80 feet along property of Margaret C. Dukes Trustees, et al to a point, thence turning North 62°22' 49" W for a distance of 349.79 feet along property of Margaret C. Dukes Trustees, et al to a point, thence turning and running North 00°58' 50" W for a distance of 611.54 feet along property of Margaret C. Dukes Trustees, et al to a point, thence turning and running North 00°58' 50" W for a distance of 654.66 feet along property of Margaret C. Dukes Trustees, et al to a point, thence turning and running North 11°36' 18" E for a distance of 369.76 feet along property of Margaret C. Dukes Trustees, et al to a point, thence turning and running North 78°14' 57" E for a distance of 1,051.56 feet along property of Claudia W. Covington to a point, thence turning and running South 48°41' 47" E for a distance of 62.82 feet along property of Orangeburg Eleven Cousins to a point, thence turning and running South 41°58' 25" W for a distance of 469.27 feet along Tract A-2 on said plat to a point, thence turning and running with a chord bearing of South 14°19' 20" E and an arc distance of 667.21 feet along Tract A-2 on said plat to a point, thence turning and running South 55°21' 27" E for a distance of 386.44 feet to a point, thence turning and running with a chord bearing of South 66°30' 57" E and an arc distance of 350.35 feet along Tract A-2 on said plat to a point, thence turning and running with a chord bearing of North 44°20' 21" E and an arc measurement of 307.13 feet along Tract A-2 on said plat to a point, thence turning and running North 48°40' 44" W for a distance of 290.93 feet to a point, thence turning and running North 41°19' 16" E for a distance of 223.19 feet along Tract A-2 on said plat to a point, thence turning and running South 48°40' 44" E for a distance of 72.29 feet along Tract A-2 on said plat to a point, thence turning and running North 41°58' 25" E for a

distance of 54.18 feet along Tract A-2 on said plat to a point, thence turning and running North 41°58' 25" E for a distance of 298.15 feet along Tract A-2 on said plat to a point, thence turning and running North 41°58' 25" E for a distance of 50 feet along Tract A-2 on said plat to a point, thence turning and running South 48°43' 9" E for a distance of 485.64 feet to the point of beginning.

Exchange Property to Orangeburg Family Y.M.C.A.:

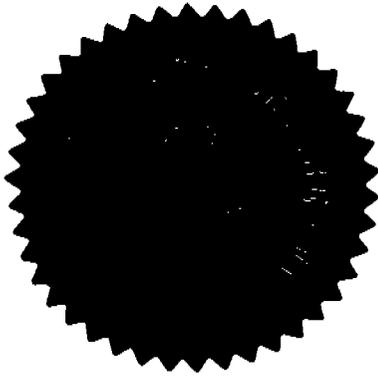
All that certain piece, parcel or tract of land, with any improvements thereon, situate, lying and being in Limestone Township, Consolidated School District 5, County of Orangeburg, State of South Carolina, containing 18.084 acres and being set forth and shown as Tract A-2 on a plat of 151.35 acres prepared for Y.M.C.A. of Orangeburg prepared by Edisto Engineers and Surveyors, Inc., approved by Richard L. Stroman, R.L.S., dated August 16, 2002 and revised August 22, 2002, December 30, 2003, December 8, 2005, and March 31, 2006 and recorded in the Office of the Register of Deeds for the County of Orangeburg, State of South Carolina in Cabinet _____ at page _____ and being described as follows: Beginning at an iron pipe placed at the northernmost point of Tract A-3 on said plat, being the point of beginning, and running from said point with a chord bearing of North 14°19' 20" W and an arc distance of 667.21 feet along Tract A-1 on said plat to a point, thence turning and running North 41°58' 25" E for a distance of 469.27 feet along Tract A-1 on said plat to a point, thence turning and running South 48°41' 47" E along property of Orangeburg Eleven Cousins for a distance of 752.22 feet to a point, thence turning and running North 41°17' 47" E for a distance of 265.97 feet along property of Orangeburg Eleven Cousins to a point, thence turning and running South 48°43' 09" E for a distance of 261.12 feet along property of Orangeburg Preparatory Schools, Inc. to a point, thence turning and running South 41°58' 25" W for a distance of 50 feet along Tract A-1 on said plat to a point, thence turning and running South 41°58' 25" W for a distance of 298.15 feet along Tract A-1 on said plat to a point, thence turning and running South 41°58' 25" W for a distance of 54.18 feet along Tract A-1 on said plat to a point, thence turning and running North 48°40' 44" W for a distance of 72.29 feet along Tract A-1 on said plat to a point, thence turning and running South 41°19' 16" W for a distance of 223.19 feet along Tract A-1 on said plat to a point, thence turning and running South 48°40' 44" E for a distance of 290.93 feet along Tract A-1 on said plat to a point, thence turning and running with a chord bearing of South 44°20' 21" W and an arc distance of 307.13 feet to a point, thence turning and running with a chord bearing of South 66°30' 57" W and an arc distance of 350.35 feet to a point, thence turning and running North 55°21' 27" W for a distance of 386.44 feet along Tract A-3 on said plat to the point of beginning.

DONE AND RATIFIED BY THE CITY OF ORANGEBURG, STATE OF SOUTH CAROLINA THIS 18th DAY OF APRIL, 2006.



Mayor





Charles B. Bussell

Thomas A. Miller

James W. Kennedy

John J. [Signature]

Members of Council

ATTEST: Carrie H. Johnson
City Clerk

City Council Minutes May 2, 2006

Orangeburg City Council held its regularly scheduled meeting on Tuesday, May 2, 2006, at 7:00 P.M., with Mayor Miller presiding. An invocation was given by Mayor Pro Tem Haire.

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 Pro Tem Haire, seconded by Councilmember Miller, to approve the April 18, 2006, City Council Minutes as distributed. This motion was unanimously approved.

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to authorize City Administrator Yow to accept a Justice Assistance Assistant Grant (JAG) Program. This motion was unanimously approved.

City Administrator Harley presented the Comprehensive Plan to Council for second reading and it has been amended on the recommendation of the City's consultant, Mr. Dan Vismor, that the City delete the D-1 classification from the Land Use Plan due to it being industrial and the only industrial that we have in mixed use areas are near the Airport.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the second reading of the Comprehensive Plan, as amended, and to omit the D-1 classification.

Councilmember Jernigan stated, "I want to discuss the property on Boulevard that Sign-A-Rama is trying to relocate their business to. I feel we are sending a message to businesses that we are not trying to work with them. Mr. Heaton has been in business a long time and I have talked with him at length about his plans and it is just a shame that he can't expand his business like he wants to in the City of Orangeburg. I am afraid that if we don't try to work with him, he may move this business out of Orangeburg. He has thirteen people working for him and that is a lot of jobs in the City that could be lost. I just don't think it is the right thing to do not to reclass this property as commercial in the land use. I am certainly not going to vote for the Comprehensive Plan as it stands now."

Councilmember Miller asked Mr. Heaton, "What are your plans as it relates to this property due to the contamination and the business? I think I asked if a family could go there. What are you going to do to enhance that property?"

Mr. Heaton replied, "We have been in that area for over five years and we feel like we are a part of that community. If I move out on North Road, I would just assume to move the business altogether. I feel like this property is not really residential and it has contamination on it. Contamination from petroleum is not going away. It is being treated by DHEC. The house has extensive termite damage and if you rule that residential, the property owner plans on doing nothing to the house. There are remedies that the City can take to make her come into compliance you wish, but it is going to be a negative effect for her to do that. What we wanted to do was build an attractive building, we don't want to put up a Wal-mart or convenience store, we don't have a ton of business that walks in everyday. There are buffers around the property now. We can add to the buffers on Fairfield Street. There is weeds on one side and the property is already in disarray. The property owner isn't going to do anything with it. We feel like we can put a building that is more attractive and more suited for the neighborhood as we want to be a part of the neighborhood."

Page 2

Councilmember Miller stated, "I want to say this. I have always been an advocate in supporting both Councilmember Barnwell and Mayor Pro Tem Haire and maintaining our residential areas, but I do want to maintain and nurture our businesses, especially the ones that are flourishing in our communities. At this point, I see that this property may not be used for residential use and that is why I would support the motion of Councilmember Jernigan. Generally, I do not like encroachments, but to support a business that has started out basically with nothing and has now given Orangeburg at least thirteen new jobs, says a lot and it has had a positive impact in Orangeburg."

Councilmember Barnwell stated, "I would like to send a message to taxpaying residents of this community. We are not going to destroy your neighborhoods, I don't care if that property can be used for residential or not, but everyone else is surrounding it. I am not going to support a motion to change it, it still needs to remain single family."

Councilmember Jernigan made a substitute motion that we reconsider the property on Boulevard and amend the Comprehensive Plan to make that piece of property commercial, seconded by Councilmember Miller. This was a 3-4, with Mayor Miller, Mayor Pro Tem Haire, Councilmembers Knotts and Barnwell opposing.

The original motion was voted on to amend the Comprehensive Plan and omit D-1 from mixed use designation and this was a 4-3 vote with Councilmembers Rheney, Jernigan and Miller opposing.

Mrs. Nancy Ayers, accepted the May 2006 Character Trait Proclamation, "Caring".

Mr. Marty Murdaugh and Mr. Tripp Wingard of Murdaugh & Associates presented the City of Orangeburg/Department of Public Utilities Audit for FY 2004-2005. Highlights included that the Department of Public Utilities had a 13% increase in capital assets and a 9.7% increase in revenues. The City's fund balance increased \$32,000.00 and Hillcrest Golf Course had a positive cash balance of \$25,000.00 and the Orangeburg Municipal Airport had a negative cash balance of \$42,000.00. Recommendations were to increase the capitalization threshold from \$500 to \$3,000 and to have Hillcrest Golf Course use the same inventory system as the Garage and Airport.

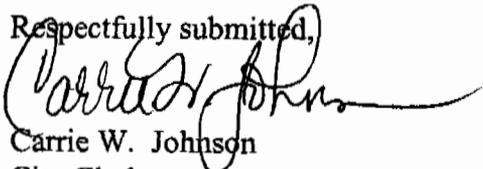
Councilmember Barnwell asked about a statement in the management letter concerning the raising of revenues or the cutting of expenditures, because we came so close in using part of our fund balance. Councilmember Barnwell stated, "The key to what we've been talking about for about five years is annexation."

There were no utility matters brought before Council.

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

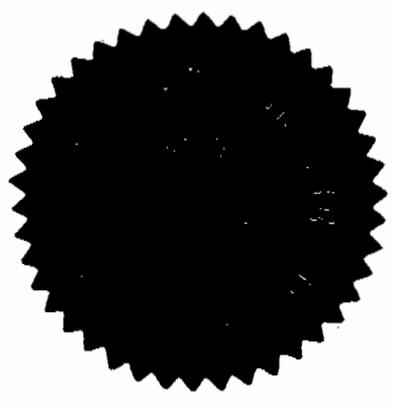
There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson
City Clerk

CWJ/pfb



City Council Minutes
May 16, 2006

Orangeburg City Council held its regularly scheduled meeting on Tuesday, May 16, 2006, at 7:00 P.M., 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

ABSENT:

Joyce W. Rheney

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the May 2, 2006, City Council Minutes as distributed. This motion was unanimously approved.

Concerning the Third Reading of an Ordinance adopting a Comprehensive Plan for the City of Orangeburg, Councilmember Jernigan stated, "As you all know, I am opposed to areas of this Plan with the land use portion. However, only a small portion of that makes up the Comprehensive Plan as a whole and the City needs this Plan for guidelines for operating. I am not in agreement with some of the land use, but I will vote to pass this Ordinance as a whole."

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the Third Reading of an Ordinance adopting a Comprehensive Plan for the City of Orangeburg. This motion was unanimously approved.

A motion was made by Councilmember Jernigan, seconded by Mayor Pro Tem Haire, to approve the acceptance of FY 2004-05 City of Orangeburg Audit presented by Murdaugh and Associates.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Knotts, to approve the First Reading of an Ordinance to amend Chapter XIII of the Code of Ordinances for the City of Orangeburg, SC, by adding a new section 13-10, entitled Building Board of Appeals. This motion was unanimously approved.

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

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to enter into an Executive Session for a legal matter concerning Municipal Court in reference to Bond Appeals.

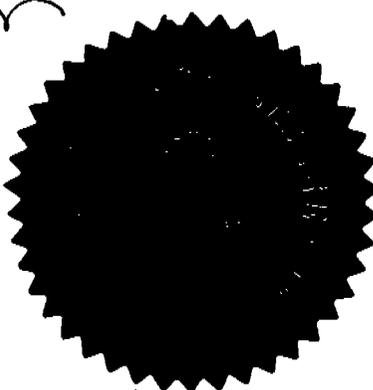
There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson
City Clerk

/pfb



CITY COUNCIL MINUTES**June 6, 2006**

Orangeburg City Council held its regularly scheduled meeting on Tuesday, June 6, 2006, 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 Councilmember Miller, seconded by Mayor Pro Tem Haire, to approve the May 16, 2006, City Council Minutes as distributed. This was a 6-0-1 vote as Councilmember Rheney abstained as she was not present at the meeting.

Mr. Fred Boatwright, DPU Manager, presented Mrs. Jelanie G. Irick a framed Resolution and DPU watch for her forty years, three months and five days of service to the Department of Public Utilities. Mrs. Irick retired on May 31, 2006. A copy of this Resolution will also be placed in the City Minute book.

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to approve the Second Reading of an Ordinance to amend Chapter XII of the City's Code of Ordinances adding a new section 13-10, entitled Building Board of Appeals. This motion was unanimously approved.

Mayor Miller presented to Ms. Barbara Clark the Character Trait Proclamation, "Respect" for the month of June, 2006.

Concerning the Criminal Domestic Violence Equipment Grant, this grant will provide a vehicle with equipment and supplies for a full-time crime scene investigator. The grant award amount is \$25,275 and receives a 25% match from local funds in the amount of \$8,425, which will be met with requested funding in the Fiscal Year 2006-07 budget.

Mayor Miller asked, "What kind of vehicle would this be?"

DPS Director Davis replied, "Something similar to what we have now, probably a SUV."

Councilmember Jernigan asked, "Do you have someone already trained for this position?"

Director Davis stated, "We have several people already trained, but no one has been selected yet?"

A motion was made by Councilmember Miller, seconded by Mayor Pro Tem Haire, to authorize City Administrator Yow to accept a Criminal Domestic Violence Equipment Grant in the amount of \$25,275, with a 25% match from local funds in the amount of \$8,425. This motion was unanimously approved.

Concerning the acceptance of a SC Department of Transportation Youth Corp Grant, this grant will enable the City to hire four young people, ages 16 to 21, for a period of six weeks to assist with landscape projects along the right-of-ways. The grant request is in the amount of \$14,000 and will be matched with a \$2,000 from the City and \$1,000 donation from both the Keep America Beautiful Organization and the Dick Horne Foundation for a total project cost of \$18,000. The Parks and Recreation Department was notified that the City was approved for the grant in the amount of \$10,000, which will result in a total project cost of \$14,000.

Councilmember Rheney asked, "What kind of trees would be planted?"

Director Smith stated, "They would be something in line with the established trees in the master plan."

Mayor Pro Tem Haire asked, "I don't see Magnolia Street on the list, there are 2-3 trees past the Claflin Visitors Center on Magnolia / U.S. 601 that are damaged, will these be replaced?"

Director Smith explained, "There will be some trees replaced throughout the City and we will certainly look at those."

Councilmember Knotts asked, "Have you identified the four individuals that are to be working on this project?"

Director Smith stated, "We have two that are returning from last year and we have advertised for two others."

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Knotts, to approve acceptance of a SC Department of Transportation Youth Corp Grant in the amount of \$10,000, a \$2,000 City's match, \$2,000 in the donations for a total project cost of \$14,000. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the First Reading of an Ordinance to amend the 2003 International Property Maintenance Code. This motion was unanimously approved.

A motion was made by Councilmember Rheney, seconded by Mayor Pro Tem Haire, to approve the reappointment of Tyronne Frederick from the Public Works Department to the City Grievance Committee for a three year term ending June, 2009. This motion was unanimously approved.

A motion was made by Councilmember Miller, seconded by Councilmember Jernigan, to approve the reappointments of the following individuals to the Hillcrest Commission, which is a three year term expiring July, 2009.

Joseph Keitt
Francis Faulling
Lynette Rhoad
Marion Moore

This motion was unanimously approved.

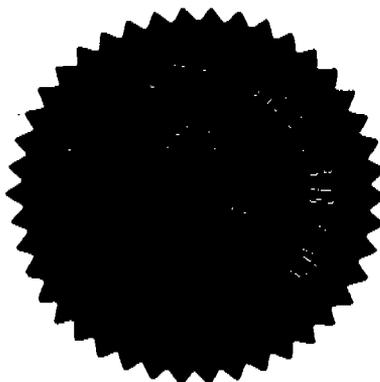
A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to approve a Resolution to accept the responsible bid by G. H. Smith Construction, Inc., of Columbia, SC, in the amount of \$839,310 for the Gramling Creek Wastewater Interceptor. This motion was unanimously approved.

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

A RESOLUTION FOR THE CITY OF ORANGEBURG, DEPARTMENT OF PUBLIC UTILITIES TO ACCEPT THE RESPONSIBLE BID BY G.H. SMITH CONSTRUCTION, INC. OF COLUMBIA, SOUTH CAROLINA IN THE AMOUNT OF \$839,310 FOR THE GRAMLING CREEK WASTEWATER INTERCEPTOR

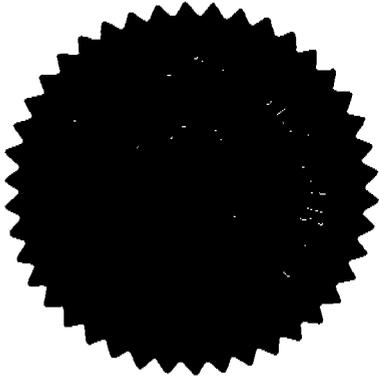
WHEREAS, the Department of Public Utilities of the City of Orangeburg, South Carolina, received bids on May 17, 2006 for the Gramling Creek Wastewater Interceptor; and

WHEREAS, the responsible bid for this work was submitted by G.H. Smith Construction, Inc. of Columbia, South Carolina in the amount of \$839,310; 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 6th day of June 2006.



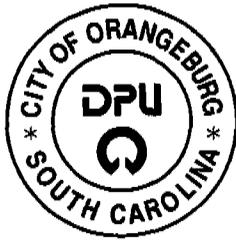
Fred H. Boatwright
MAYOR

James Haire
Danella Holt

Charles B. Bamell Jr.
Julius A. Miller

Chris Dugan
Joseph W. Roney
MEMBERS OF COUNCIL

ATTEST
Carol H. Johnson
CITY CLERK



RESOLUTION

WHEREAS, Jelanie G. Irick, faithfully served the Department of Public Utilities of the City of Orangeburg for forty years, three months and five days with a retirement date of May 31, 2006; and

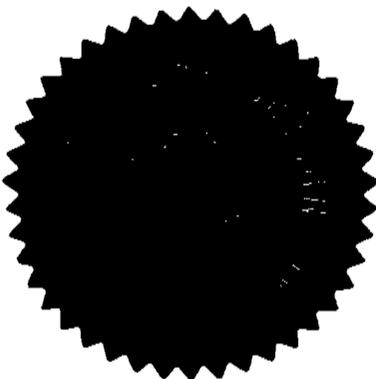
WHEREAS, she, through her long and faithful service contributed greatly to the successful operation of the Department of Public Utilities; and

WHEREAS, the City Council, in recognition of the fine contribution rendered the City of Orangeburg, wants to inscribe on the records its appreciation.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Members of Council, in Council assembled, do officially recognize the faithful service rendered to the Department of Public Utilities in the capacities in which she served the Department and we take pride in commending her for a job well done.

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

PASSED BY the City Council of the City of Orangeburg, State of South Carolina, this 6th day of June 2006.



Paul G. Miller

Mayor

Blair Harris
Sandra L. Kuttles
Charles B. Conwell
Meliss A. Mill
Charles D. Johnson
James W. Phene

Members of Council

ATTEST:

Carrie H. Johnson
City Clerk



RESOLUTION

WHEREAS, Fred L. Yandle, faithfully served the Department of Public Utilities of the City of Orangeburg for thirty-two years and twenty days with a retirement date of June 16, 2006; and

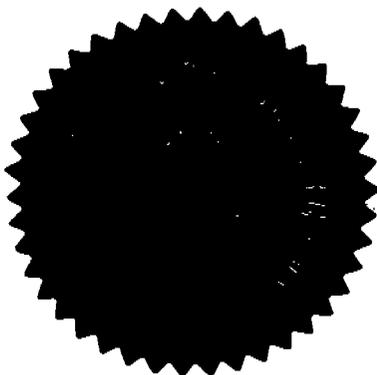
WHEREAS, he, through his long and faithful service contributed greatly to the successful operation of the Department of Public Utilities; and

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. Yandle in recognition of his services.

PASSED BY the City Council of the City of Orangeburg, State of South Carolina, this 20th day of June 2006.



Fred L. Yandle

Mayor

Blaine Haire

Sandra L. Lott

Charles B. Cunningham

Travis A. Miller

John D. ...

Jewel Pherey

Members of Council

ATTEST:

Carrie Johnson
City Clerk

CITY COUNCIL MINUTES
JUNE 20, 2006

Orangeburg City Council held its regularly scheduled meeting on Tuesday, June 20, 2006, 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

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to approve the June 6, 2006, City Council Minutes as distributed. This motion was unanimously approved.

Mayor Miller and Department of Public Utilities Manager, Fred Boatwright presented Fred L. Yandle a Retirement Resolution for his thirty-two years and twenty days of service to the City of Orangeburg Department of Public Utilities. DPU Manager Boatwright also presented him with a gold watch.

A motion was made by Councilmember Jernigan, seconded by Councilmember Rheney, to approve the Third Reading of an Ordinance to amend Chapter XIII of the Code of Ordinances for the City of Orangeburg, SC, by adding a new section 31-10, entitled Building Board of Appeals. This motion was unanimously approved.

A motion was made by Councilmember Miller, seconded by Councilmember Barnwell, to approve the Second Reading of an Ordinance to amend the 2003 International Property Maintenance Code. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to uphold the business license denial to King Lee \$.99 Store, a retail business at 111 Boulevard Street.

Councilmember Barnwell, stated, "During the appeal process, Mr. Han's attorney objected to the City Code of Ordinance Section 7-2-19, #4,--which states a licensee has been convicted of an offense under a law or Ordinance regulating business, a crime involving moral turpitude, or an unlawful sale of merchandise, contraband, or prohibited goods. However, the City has grounds with #2--which states a licensee has breached any condition upon which the license was issued or has failed to comply with the provisions of this chapter and #5--which states a licensee has been engaged in an unlawful activity or nuisance related to the business. The denial is based on the business being a nuisance and is bad for the public and is a violation of our Ordinance."

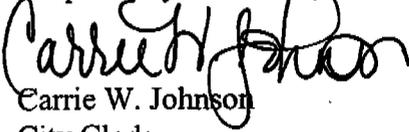
The motion to deny the business license was unanimously approved.

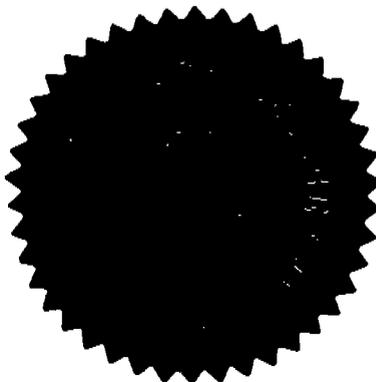
There were no matters brought before Council concerning the Department of Public Utilities.

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

There being no further business, the meeting was adjourned.

Respectfully submitted,


Carrie W. Johnson
City Clerk



City Council
Meeting

for

July 4, 2006

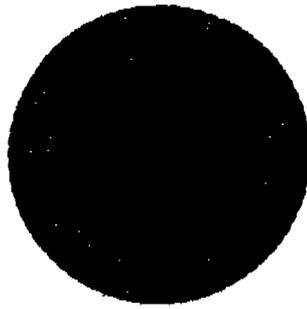
Canceled

City Council
Meeting

for

July 18, 2006

Canceled



RESOLUTION

WHEREAS,

Isaac Frederick faithfully served the City of Orangeburg for thirty-two years, and eleven months with a retirement date of June 30, 2006; and,

WHEREAS,

he, through his long and faithful service, contributed greatly to the successful operation of the City of Orangeburg's Public Works Department; and,

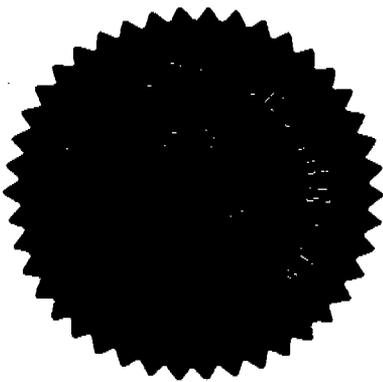
WHEREAS,

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 City of Orangeburg in the capacities in which he served the City 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 City of Orangeburg, be placed in the Minute Book of the City and a copy furnished to Mr. Frederick in recognition of his services.

PASSED BY the City Council of the City of Orangeburg, State of South Carolina, this 1st Day of August, 2006.



James W. Miller

MAYOR

Charles J. Jones

Charles A. Miller

Edmund Haine

Joyell W. Rhoney

Charles B. Stumwell

Sandra L. Knotts

MEMBERS OF COUNCIL

ATTEST:

Carrie W. Johnson
CITY CLERK

CITY COUNCIL MINUTES
AUGUST 1, 2006

Orangeburg City Council held a regularly scheduled meeting on Tuesday, August 1, 2006, at 5:30 P.M., in Council Chambers with Mayor Miller presiding. The meeting was changed to 5:30 P.M. to allow Council Members to attend National Night Out at 7:00 P.M. An invocation was given by Councilmember Miller.

PRESENT:

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

Chief Davis stated, "It is a privilege to announce to you that on Saturday, July 29th, we attended one of the quarterly meetings for the Commission on Law Enforcement Accreditation, where we will look forward to the Commission determining if we will be re-accredited. We were awarded re-accreditation. We want to comment on the people that worked very hard on the re-accreditation, which is something we have been working on very hard and certainly the City has supported our efforts quite a bit. We understand that the accreditation will and does include recommendations that we think we haven't quite done. We want to thank our accreditation manager, Captain Thad Turner, and his assistant, Cpl. Stuart Haig, who worked very hard to make sure that we met all the applicable standards. It also points out that we were able to complete this task seven days after we moved into our new headquarters, and that made it even more difficult, but we certainly want to thank City Council and the City Administration for all that they did to support our efforts on the accreditation."

Mayor Miller stated, "Wendell, if you would, when you have another staff meeting and when your officers meet, give them our congratulations from the Council on a job well done and a special thank you to Cpt. Turner and Cpl. Haig. I know that both of them worked extremely hard on the project and we're very grateful that you all have been re-accredited."

A motion was made by Councilmember Miller, seconded by Councilmember Jernigan, to approve the July 11, 2006, City Council Minutes as distributed. Councilmembers Rheney, Barnwell, and Knotts abstained as they were not present at the July 11, 2006, meeting.

A motion was made by Councilmember Barnwell, seconded by Councilmember Miller, to approve the July 18, 2006, Budget Workshop Minutes as distributed. This motion was unanimously approved.

A motion was made by Councilmember Miller, seconded by Councilmember Knotts, to approve the July 19, 2006, Budget Workshop Minutes as distributed. This motion was unanimously approved.

Mr. David Coleman, Executive Director of the Chamber of Commerce, accepted the Character Trait Proclamation "Punctuality" from Mayor Paul A. Miller.

City Administrator Yow stated, "First item our year-end budget projections for FY 2005-06 show a \$233,000 in revenues over expenditures. When we begin the new budget process, what we actually do is begin a budget amendment process to try to insure that we bring the budget in with more current numbers to report to you than what we budgeted some time ago. During our budget workshop, Council approved making a \$50,000 additional payment this current year to try to offset some of the increases we are seeing in health insurance. We're projecting \$183,000 of revenues over expenses and we, as you know, are still looking a little bit into the crystal ball during the end of October and we'll monitor those revenues and expenditures over the next several months."

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to approve the First Reading of an Ordinance amending the Budget for the City of Orangeburg, SC, for the fiscal year beginning October 1, 2005, and ending September 30, 2006. This motion was unanimously approved.

City Administrator Yow stated, "Item #7 under New Business concerns First Reading of an Ordinance to raise a revenue and adopt a budget for the upcoming fiscal year beginning October 1, 2006, and ending September 30, 2007. I'd like to thank my staff and their employees, who I felt, submitted very responsible budget requests to me and my budget team to review. Our staff over the years have a good understanding of the process and we all try to work together to provide the best services we can with the available resources. I want to thank Council for the all day Planning Session, which was very helpful in formulating the budget to bring to you and also for the Budget Workshops as we went through this proposed budget. As Council knows, we have a long standing record of trying to reward our employees and trying to give them adequate pay for their job and this year is no exception. Council has included in the budget a 3% Cost of Living raise. Also, because of the increase in health insurance, Council also agreed to give anyone making under \$25,000 a year, at least a \$1,000 raise. That way we were insuring that no increase in health insurance would nullify their raise. In other words, everyone will be getting a raise more than what their health insurance increase is and I commend Council on that. One of the things that was in the budget that gave the Council some concern is that we had over \$500,000 budgeted in cash reserve and together, we were able to get that down to \$400,000. The City is in good financial shape, but I think that it would be wise not to overspend the cash reserve in balancing the budget. Some of the other things that are in this budget is a 4-mill tax increase. Council deliberated long and hard about this. Everyone knows that fuel prices are up dramatically. Our operation largely centers around fuel cost, with sanitation trucks, police cars, fire trucks, other service vehicles, all of the lawn mowers and everything that we use and there is just no denying that those costs have increased greatly. The other increase I mentioned was health insurance. We have a 12% increase. Council, with my recommendation, has continued to fund all of the coverage for an employee, and part of the 12% increase would be dependent on family care, which would be absorbed by the City and part would be absorbed by the employee for those who have carried their family under their coverage. Retiree's insurance is in tact. As we see many companies eliminating retiree health insurance or making retirees pay for it 100%, we have maintained the same level and we have continued to allow retirees to carry city health insurance. We will pass a share of the increase to the retirees for several years but we will not eliminate retiree health insurance. There is no change in business license fees. Council has felt that it was appropriate to leave business license rates the same for many years. Business licenses income is a bright spot for the City as there continues to be natural growth in business license income. There is also included a five percent increase in fire contracts. As we have increases in gas, insurance, and employee costs, and we pass some of that increase over to our citizens in the form of a tax increase, it's only fair that part of that cost also be passed on in the form of fire contracts. That will only amount to about \$25,000 of new income; it's not a tremendous amount of money, but it is an increase. There is an increase in commercial sanitation rates. It is to offset an increase from the County and its tipping fee increase. As everyone knows, when our commercial trucks go to the landfill, we have to pay a tipping fee just like the private contractors. One of the things that helped us this year was the change in state law that allows us to transfer some money, (not to exceed 20%) from what we refer to as our 095 Fund, which is out hospitality/accommodations tax to maintain activities and programs that are eligible under that fund, such as Stevenson Auditorium beautification and City gardens and other things. We were able to add that to the General Fund this year, which really helped us in not having a greater need for a tax increase. The DPU transfer is not increased, that has not changed from this year. There is a \$1.00 increase in residential sanitation. We increased the Stevenson rental fees slightly and we are going to review the hangar fees at the Airport. As you know, we have been asked to build some additional hangars and we are waiting on what the costs will be. We have not awarded the bids for the hangers and ramp expansion yet due to high bid cost. We are going to regroup and then bring it back to Council. The larger capital items in the budget, reflect no garbage trucks or fire trucks this year but there is a street sweeper. The City owns and maintains two street sweepers and it is time to replace one. That is one of the larger capital items in there. There is the usual replacement of pickup trucks, lawn mowers and police vehicles that are in every budget and as you know we don't replace the whole fleet at the beginning of the year. We cycle in and cycle out several vehicles each year. One thing that I do want to point out is

Page 3

several years ago the City was faced with a large cut in our budget in the form of the Telecommunications Act that was passed by our State Legislature and I know a lot of things have changed since several years ago. We lose between \$400,000 and \$500,000 annual recurring revenue and I just want to say that if we had that revenue last year and we had it this year, we could have funded some more equipment and better services and not needed a tax increase.

Councilmember Barnwell states that he just wanted to concur with what Mr. Yow said and what we were faced with. No one likes to go up on taxes. City Administrator Yow, could you tell me how much that would generate in new income?"

Mr. Yow stated, "Four mills equates to \$16.00 on a \$100,000 value owner occupied home and would generate approximately \$35,000."

Councilmember Barnwell stated, "Had we not increased taxes, anyone in public or private business knows that with gasoline increases and the state is stabbing the municipalities by cutting us out and decreasing our revenue, we are faced with either cutting services and not going up. I don't think any of the citizens want to see our services cut. I hate it when we have to go up, but like you said, when you don't have the revenue, you don't have a choice. I believe we had an actual insurance increase of 16%, is that correct?"

Mr. Yow stated, "We need 16% and we cut it back to 12% and will have to monitor it closely. We have had several very fortunate years where we were beating the national trend on increases but this year we had several very large claims."

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to approve the First Reading of an Ordinance to raise revenue and adopt a budget for the City of Orangeburg, SC, for the fiscal year beginning October 1, 2006, and ending September 30, 2007. This motion was unanimously approved.

There were no utility matters brought before Council.

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to enter into an Executive Session for legal matters concerning Time Warner Franchise and a Worker's Compensation Claim concerning the Department of Public Safety and a personnel matter concerning a Grievance Hearing from Municipal Court. This motion was unanimously approved.

Council returned to Open Session.

A motion was made by Councilmember Barnwell, seconded by Councilmember Rheney, to accept the findings of the City Grievance Committee. This was unanimously approved.

DPU Manager Fred Boatwright and Mayor Miller presented Retiree Resolutions to Clemond Whaley for twenty years and one day of service and William Coulter for twenty-three years, four months and thirteen days of service to the Department of Public Utilities.

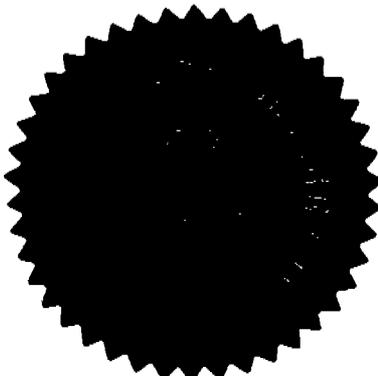
A motion was made by Councilmember Miller, seconded by Rheney to adjourn.

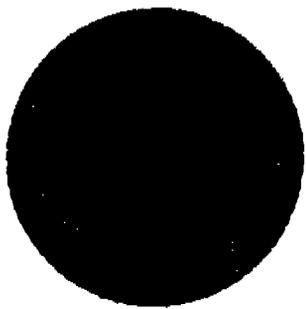
There being no further business, the meeting was adjourned.

Respectfully submitted,



Duane Tarrant
Assistant City Clerk





RESOLUTION

WHEREAS, Isaac Frederick faithfully served the City of Orangeburg for thirty-two years, and eleven months with a retirement date of June 30, 2006; and,

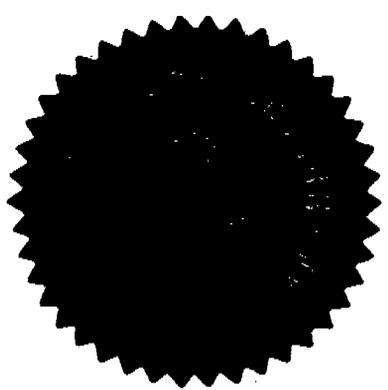
WHEREAS, he, through his long and faithful service, contributed greatly to the successful operation of the City of Orangeburg's Public Works Department; and,

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 City of Orangeburg in the capacities in which he served the City 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 City of Orangeburg, be placed in the Minute Book of the City and a copy furnished to Mr. Frederick in recognition of his services.

PASSED BY the City Council of the City of Orangeburg, State of South Carolina, this 1st Day of August, 2006.



Lucy M. ...

 MAYOR

Charles A. Miller

James H. Haine

James W. Kheneq

Charles B. ...

Sandra L. ...

 MEMBERS OF COUNCIL

ATTEST:
Carrie W. Johnson

CITY CLERK



RESOLUTION

WHEREAS, Deborah S. Crosby, faithfully served the Department of Public Utilities of the City of Orangeburg for thirty-four years, five months and six days with a retirement date of June 30, 2006; and

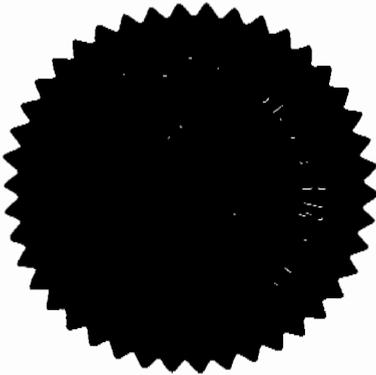
WHEREAS, she, through her long and faithful service contributed greatly to the successful operation of the Department of Public Utilities; and

WHEREAS, the City Council, in recognition of the fine contribution rendered the City of Orangeburg, wants to inscribe on the records its appreciation.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Members of Council, in Council assembled, do officially recognize the faithful service rendered to the Department of Public Utilities in the capacities in which she served the Department and we take pride in commending her for a job well done.

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

PASSED BY the City Council of the City of Orangeburg, State of South Carolina, this 1st day of August 2006.



Paul G. Minn

Mayor

Joseph W. Rhee

Charles B. [unclear]

Sam Haire

Travis A. Miller

Angela [unclear]

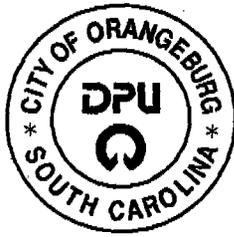
Chad [unclear]

Members of Council

ATTEST:

Carrie [unclear]

City Clerk



RESOLUTION

WHEREAS, Clemond Whaley, faithfully served the Department of Public Utilities of the City of Orangeburg for twenty years and one day with a retirement date of June 30, 2006; and

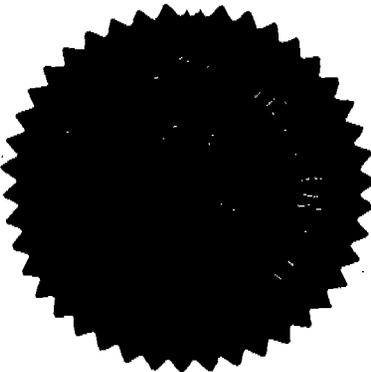
WHEREAS, he, through his long and faithful service contributed greatly to the successful operation of the Department of Public Utilities; and

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. Whaley in recognition of his services.

PASSED BY the City Council of the City of Orangeburg, State of South Carolina, this 1st day of August 2006.



James M. Min

Mayor

James W. Kene

Charles B. ...

James Haire

Charles A. Miller

Sandra R. ...

Chuck ...

Members of Council

ATTEST:

Carrie ...
City Clerk



RESOLUTION

WHEREAS, William Coulter, faithfully served the Department of Public Utilities of the City of Orangeburg for twenty-three years, four months and thirteen days with a retirement date of June 30, 2006; and

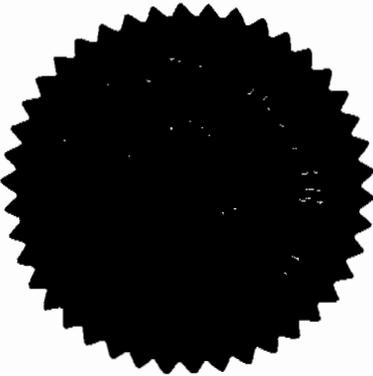
WHEREAS, he, through his long and faithful service contributed greatly to the successful operation of the Department of Public Utilities; and

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. Coulter in recognition of his services.

PASSED BY the City Council of the City of Orangeburg, State of South Carolina, this 1st day of August 2006.



James W. Miller

Mayor

James W. Roney

Charles B. Bennett

James Haire

Charles A. Miller

Sandra P. Knotts

Chuck Dugan

Members of Council

ATTEST:

Carrie [Signature]
City Clerk

CITY COUNCIL MINUTES
SPECIAL SESSION - AUGUST 8, 2006

1707

Orangeburg City Council held a Special Session Meeting on Tuesday, August 8, 2006, 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.
Sandra P. Knotts
Joyce W. Rheney

Mayor Miller opened the meeting by thanking everyone for attending the Special Session of City Council. A special welcome was extended to Dr. Henry Frierson, a former City Councilmember, who served the City for two terms.

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

Council entered into the Special Session meeting immediately following the Executive Session.

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

Summary of Budget Presentation
Fred Boatwright to Mayor and Council

Manager Boatwright thanked Mayor and Council for sharing their time and energy and stated the purpose of the Special Session Meeting was to present to them for their consideration the proposed 2006-2007 budget including adoption of new electric, gas, water and wastewater rates. He expressed he was delighted to have the opportunity to present the overall proposed budget for the City of Orangeburg, Department of Public Utilities.

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).

Natural Gas Division - Not predicting much growth. Anticipating the cost of natural gas will continue to be as volatile as last year. The Department has completed negotiating a new contract for gas transportation with South Carolina Pipeline Corporation. By October 2006, the Department will be purchasing all its gas requirements off the open market. The Department is prepared to make all of its own gas purchases and believes that it can achieve substantial savings for our customers by diligent purchase and load control measures. In the last two years of purchasing off the market a portion of its requirements, the Department has saved its rate payers approximately \$3,000,000. Included in the budget ordinance this year is a request for changes in industrial gas rates in order to change the terms of purchase to reflect the new purchasing contract.

Water Division - The Water Division anticipates a growth of 2.5%. 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. Included in the budget ordinance is a request for an increase in water rates.

Wastewater Division - The Wastewater Division is experiencing modest growth. Included in the budget ordinance is a request for an increase in wastewater rates.

Manager Boatwright stated this is a sound budget proposal that does anticipate some rate increases and which will provide the Department 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

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 are no new capital projects for the Administrative and Electric Divisions. There are two new projects for the Gas Division, one new project for the Water Division and one new project for the Wastewater Division. All the remaining projects 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.

Administrative Division	Michael G. Sells, Director
Electric Division.....	John B. Bagwell, Director
Gas Division	O. Thomas Miller, Director (Absent)
	APGA Board of Directors Annual Conference
	Seattle, Washington
Water Division.....	D. Eric Odom, Acting Director
Wastewater Division	Richard M. Labrador, Director

ELECTRIC DIVISION PROJECTS

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

<u>Total Project Cost:</u>	<u>\$3,315,000</u>
<u>Expenditures to Date:</u>	<u>\$1,200,000</u>
<u>Estimated 2006-2007 Cost:</u>	<u>\$1,300,000</u>

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 - Distribution Automation

<u>Total Project Cost:</u>	<u>\$ 561,000</u>
<u>Expenditures to Date:</u>	<u>\$ 400,000</u>
<u>Estimated 2006-2007 Cost:</u>	<u>\$ 161,000</u>

Continuation of an approved/ongoing 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.

GAS DIVISION PROJECTS

Project #1 - Natural Gas Service on Kennerly Road

<u>Total Project Cost:</u>	<u>\$ 550,000</u>
<u>Expenditures to Date:</u>	<u>\$ 0</u>
<u>Estimated 2006-2007 Cost:</u>	<u>\$ 550,000</u>

This is a new project. The purpose of this project is to increase gas service reliability from Border Station No. 1 to all of the DPU gas distribution system and to provide gas service to the Kennerly Road area by installing 9,000 feet of 8-inch high-pressure natural gas main on Kennerly road to the Cordova Road.

Project #2 - Natural Gas Service to Cook Road

<u>Total Project Cost:</u>	<u>\$ 205,000</u>
<u>Expenditures to Date:</u>	<u>\$ 0</u>
<u>Estimated 2006-2007 Cost:</u>	<u>\$ 205,000</u>

This is a new project. The purpose of this project is to increase gas service reliability to St. Matthews Road area and provide gas service for Cook Road with the installation of 7,500 feet of 4-inch high-pressure natural gas main on Cook Road to the Belleville Road.

WATER DIVISION PROJECTS

Project #1 - Deep Well Aquifer Storage & Recovery (ASR)

<u>Total Project Cost:</u>	<u>\$3,500,000</u>
<u>Expenditures to Date:</u>	<u>\$ 85,450</u>
<u>Estimated 2006-2007 Cost:</u>	<u>\$3,414,550</u>

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. 1709

Project #2 - Elevated Storage Tank Painting

<u>Total Project Cost:</u>	<u>\$1,476,000</u>
<u>Expenditures to Date:</u>	<u>\$ 0</u>
<u>Estimated 2006-2007 Cost:</u>	<u>\$ 804,000</u>

This is a new project. The purpose of this project is to perform interior and exterior maintenance on the elevated storage tanks. There are eight (8) storage tanks in the distribution system and one at the water treatment plant. Periodically the tanks must be cleaned, repaired, and repainted to protect the structural integrity and quality of the water that each contains. The plan is to paint three (3) tanks per year until all nine are painted. All nine (9) tanks will require interior sandblasting and two (2) will require exterior sandblasting prior to the addition of the protective coating system.

WASTEWATER DIVISION PROJECTS

Project #1 - Whitford Stage Creek Pump Station Upgrade

<u>Project Cost:</u>	<u>\$1,125,000</u>
<u>Expenditures to Date:</u>	<u>\$ 0</u>
<u>Estimated 2006-2007 Cost:</u>	<u>\$1,125,000</u>

This is a new project. The purpose of this project is to accommodate future growth of the wastewater system and the proposed wastewater flows associated with the County's "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. This project will consist of approximately 2 miles of 16-inch force main and pump station modifications to accommodate the proposed initial and future flows from the Whitford Stage Creek drainage basin.

Summary of Proposed Rate Changes
Electricity – Natural Gas – Water - Wastewater
Fred Boatwright to Mayor and Council

Manager Boatwright recommended to Council the necessity to raise the Department's water and wastewater rates this year. Also, due to changes in the way gas business will be conducted after SCPC becomes an Interstate Pipeline some adjustments in the Department's Natural Gas rates for industrial and large commercial customers need to be made. He explained it was also necessary to make a minor change to the Electric NMST rate which will affect industrial customers only.

No changes are proposed for Residential Customers for Natural Gas or Electricity

Proposed Recommendations:

Water Division

Manager Boatwright proposed a 5.5% across the board water rate increase for all customers and an increase in the inside/outside rate differential from the present 42% to 50%. This will become effective on October 1, 2006. The rate increase is intended to compensate for slow growth in the Water Division, the increasing cost of providing services and inflation. The average water bill, based on 6,000 gallons a month usage, will increase \$1.72 per month. The average water bill within the city limits will be \$9.64 after the increase. This rate is still below the average state municipal water bill of \$18.92 according to data from the S.C. Municipal Association. Customers living outside the city limits will see their average water bill total \$19.28 per month, compared to the state average bill of \$32.80.

In addition, Manager Boatwright proposed the Department eliminate the second tier of its large water user rates. The second tier applies to customers who use 50,000 cubic feet or 367,400 gallons per month.

There are several reasons for the water rate increase:

- The earnings in the Water Division have fallen to a level which requires the need to raise the rates in order to meet obligations.

- Debt service on the loan for the water plant expansion is approximately \$390,000 per year. This is a new expense which alone will put the Water Division operating in the red if we don't increase the rates.
- Once the new plant goes on line, the depreciation will amount to about another \$125,000 per year.
- The costs of producing and delivering the service continues to increase at a rate that cannot be offset by growth alone. Much of this is mandated by increased regulations from the State and Federal governments.

Manager Boatwright stated that without a water rate increase, the Water Division could lose about \$100,000 in 2007. We anticipate that the 5.5% increase will produce approximately \$863,785 in additional revenue and elimination of the second tier will generate approximately \$313,741 (totaling \$1,177,526). The last water rate increase was in 2004.

Wastewater Division

A review of the statistics in the Wastewater Division clearly indicates that the "Net Profit" in the Wastewater Division has been in a steady decline for a number of years and has now reached the point that the Department needs to raise its rates to all its wastewater customers.

Manager Boatwright proposed a 5.0% across the board wastewater rate increase for all customers and an increase in the inside/outside rate differential from the present 41% to 50%. This will become effective on October 1, 2006. The wastewater increase is equivalent to \$3.76 per month for the average residential bill, based on 6,000 gallons a month usage. The average customer's wastewater bill within the city limits will be \$15.68 per month, compared to the state municipal wastewater average bill of \$26.45.

Manager Boatwright stated that rate increase is projected to give the Wastewater Division and additional \$659,523 in revenues. The last wastewater rate increase was in 2001.

Gas Division

The proposed changes to our Natural Gas Rates will not include any of the residential customers.

The Department's natural gas supplier, SC Pipeline, has petitioned FERC to become an interstate pipeline to be named Carolina Gas Transmission. This change is scheduled to take place on October 1, 2006. This means that the Department will be responsible for purchasing and scheduling all of its natural gas requirements. Firm gas customers, through their rates, pay the Department to purchase and manage their gas. However, the purchase and management of interruptible gas, in an open access environment, are not covered in the existing rate structure. It is difficult to forecast the interruptible gas loads. Changes in interruptible gas loads can cause the Department to incur penalties that can be very costly. The proposed rate changes are being made in order to protect the Department and provide our industrial customers with the flexibility to manage their own purchases or allow us to do it for them for a fee.

Industrial customers will have an opportunity to purchase natural gas on the market or purchase natural gas from DPU, which would handle all the purchasing, and transport needs or a combination of the two. The purpose is to provide our industrial gas customers with a menu of services that we can provide.

Electric Division

The proposed change to our Electric Rates will not include any of the residential customers.

Due to scheduled changes in the provisions of the existing Electric Purchasing Contract, the Department needs to change the "Distribution Demand Charge" on its NMST (Negotiated Market Sales Tariff) rate from the present \$1.50 per kW of billing demand to \$2.50 per kW of billing demand. This will effect only the 57 industrial customers on our NMST Rate. No other electric rates will change at this time.

This Completed the Presentation of Proposed Projects and Rate Changes

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.

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, 2006 through

September 30, 2007 including adoption of new electric, gas, water and wastewater rates.

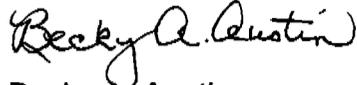
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A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to accept the First Reading of an Ordinance to Adopt the 2006-2007 Annual Budget for the Department of Public Utilities including new electric, gas, water and wastewater rates. This was a 6-0-1 vote with Councilmember Miller abstaining.

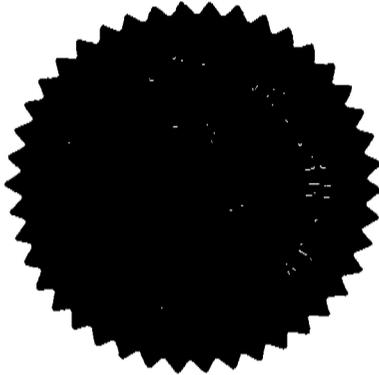
A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to adjourn. This motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Becky A. Austin
Secretary to Manager
Department of Public Utilities



A RESOLUTION AUTHORIZING THE PURCHASE OF 2.57 ACRES, MORE OR LESS, WITH BUILDINGS AND OTHER IMPROVEMENTS THEREON FROM RIVERSIDE ASSOCIATES FOR THE CONSIDERATION OF \$325,000.00

WHEREAS, the City of Orangeburg continues to make improvements to the Edisto Memorial Gardens for the enjoyment of its citizens and to promote Orangeburg across the State of South Carolina and the southeastern region, and;

WHEREAS, the City of Orangeburg has determined that it is in the best interest of the City to purchase properties immediately adjacent to the Gardens for further expansions and improvement; and,

WHEREAS, for the above purposes the City of Orangeburg entered into a Land Option Agreement with Riverside Associates dated November 21, 2005 for the purchase of the below described property, and;

WHEREAS, in the conduction of due diligence it was discovered that certain improvements on said property required the removal of asbestos, and;

WHEREAS, the City of Orangeburg and Riverside Associates have negotiated and reached an agreement to have said asbestos removed subsequent to the purchase of said property by the City.

NOW THEREFORE, BE IT RESOLVED BY CITY COUNCIL DULY ASSEMBLED, that the City of Orangeburg purchase the below described property for the consideration of Three Hundred Twenty Five Thousand and no/100 (\$325,000.00) Dollars.

BE IT FURTHER RESOLVED, that the purchase of said property be conditioned upon the Seller contributing up to \$30,800.00 towards asbestos removal.

BE IT FURTHER RESOLVED, that John H. Yow, City Administrator, is hereby authorized and directed to sign all necessary closing documents to complete the purchase of the below described property.

Description of property:

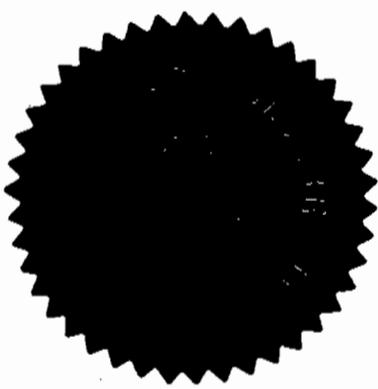
All that certain piece, parcel or tract of land with the buildings and other improvements thereon situate, lying and being in the City of Orangeburg, Consolidated School District 5, County of Orangeburg, State of South Carolina, containing 2.22 acres and being set forth and shown on a plat of the property owned by W. W. Dibble by H. Frank O'Cain, C.E., dated May 29, 1950, and recorded in the Office of the Register of Deeds for Orangeburg County, South Carolina in Plat Book 9 at page 56, and having the following boundaries and measurements: Northeast by property now or formerly of W. W. Dibble, 392.5 feet; Southeast by Waring Street, 259.4 feet; Southwest by the below described property lying between Riverside Drive and subject property, 368.9 feet, and on the Northwest by property now or formerly of W. W. Dibble, 250 feet.

ALSO: All the right, title and interest in, on and to that certain tract of land situate, lying and being on the eastern side of Riverside Drive in the City of Orangeburg, County of Orangeburg, State of South Carolina, more particularly described as follows: Beginning at a point in the northern right-of-way line of Waring Street at a point 33 feet east of the center line of Riverside Drive and 30 feet north of the center line of Waring Street, thence N 38° 21' West for a distance of 368 feet along the eastern right-of-way line of Riverside Drive; thence N 49° 54' East for a distance of 39.8 feet to the northwest corner of the property now or formerly of Riverside Terrace, Inc.; thence S 38° 48' East for a distance of 368.9 feet along the western property line now or formerly of Riverside Terrace, Inc.; then S 55° 57' West for a distance of 42 feet along the northern right-of-way line of Waring Street to a point of beginning.

ALSO: A perpetual easement 5 feet in width over and across the said property, now or formerly of Worthan W. Dibble, the center line of said easement beginning at a point on the northwestern line of property now or formerly of Riverside Terrace, Inc., 3 feet South 49 degrees 54 minutes West from the northernmost corner of said property, and running North 21 degrees 30 minutes West for a distance of 35 feet, more or less, across said property of Hunter, et al., to Sunnyside Canal; the purpose of said easement being to permit the installation, maintenance and replacement, if necessary, of an 18-inch concrete storm drain which runs from property now or formerly of Riverside Terrace, Inc., into Sunnyside Canal, a part of the drainage system of the City of Orangeburg, said easement having been granted on the 4th day of December, 1951, by Worthan W. Dibble to Riverside Terrace, Inc., by instrument recorded on the 4th day of December, 1951, in the Office of the Register of Deeds for Orangeburg County, State of South Carolina in Deed Book 158 at page 497.

Being the same property conveyed to Riverside Associates by deed of Edgar C. McGee and H.A. McGee, III dated March 1, 1983 and recorded in said Office of the Register of Deeds for Orangeburg County in Deed Book 488 at page 1075.

DONE AND RATIFIED BY THE CITY OF ORANGEBURG, STATE OF SOUTH CAROLINA THIS 15th DAY OF AUGUST, 2006.



Paul Miller
Mayor
Charles B. Barnwell
Helis A. Miller
Chris Johnson
Jyell Cherry

Members of Council

ATTEST: Carrie Johnson
City Clerk

CITY COUNCIL MINUTES

August 15, 2006

Orangeburg City Council held three (3) Public Hearing on Tuesday, August 15, 2006, at 7:00 P.M. in Council Chambers with Mayor Miller presiding. The purpose of the Public Hearings were as follows:

1. To raise revenue and adopt a budget for the City of Orangeburg, SC, for the fiscal year beginning October 1, 2006, and ending September 30, 2007.
2. Proposed Department of Public Utilities budget for fiscal year October 1, 2006, to September 30, 2007, including proposed electric, gas, water and wastewater rates.
3. Rezoning to amend Section 24-4.1, of the Code of Ordinances and Zoning Map of the City of Orangeburg, SC, for the purpose of changing property owned by Claflin University from A-2 Residential Multi-Unit District to O-I Office-Institutional-Residential District.

PRESENT:

Paul A. Miller
 Charles B. Barnwell, Jr.
 Charles W. Jernigan
 Trelvis A. Miller
 Joyce W. Rheney

ABSENT:

Bernard Haire
 Sandra Knotts

An invocation was given by Roger Brant, Director of the Service Department.

Mayor Miller opened the first Public Hearing for comments on raising revenue and adopting a budget for the City of Orangeburg, SC, for the fiscal year beginning October 1, 2006, and ending September 30, 2007. Hearing no comments, the Public Hearing was closed.

The second Public Hearing for the proposed Department of Public Utilities budget for fiscal year October 1, 2006, to September 30, 2007, including proposed electric, gas, water and wastewater rates was opened for comments. Hearing no comments, the Public Hearing was closed.

The last Public Hearing was opened for rezoning to amend section 24-4.1, of the Code of Ordinances and Zoning Map of the City of Orangeburg, SC, for the purpose of changing property owned by Claflin University from A-2 Residential Multi-Unit District to O-I Office-Institutional-Residential District.

Assistant City Administrator Harley addressed Council, "Mayor & Council, you have in your packets, information related to property owned by Claflin University; they are seeking rezoning of the property on Goff Avenue currently zoned as A-2 Multi-Unit to O-I Office Institutional. The property is shown on the maps attached. The first map is the tax map in blue and the second map is the zoning map showing current zoning. The hatched lines on that map are properties already owned by Claflin University and the zoning has already been changed to O-I. The properties, with the numbers in them and no hatched lines, those are the properties that are in question tonight. As you can tell, these properties are contiguous to Office-Institutional. You also have the application outlining each property. I do want to point out an error in the Resolution from the Planning Commission, on the fourth "Whereas" we will correct that. Lastly, you have the minutes from the meeting. Mr. Anderson from Claflin is also here to answer any questions you may have."

Page 2

Mr. Anderson with Claflin University addressed Council, "I am here to hopefully to answer any questions you may have on the rezoning."

Councilmember Jernigan asked, "Mr. Anderson, after reading over the minutes from the meeting, you said something about occupying one building at 898 Goff Avenue, which will be used for a classroom. The other houses have been torn down."

Assistant City Administrator Harley stated, "The other properties, that were formerly approved, some of those are currently being occupied."

Councilmember Barnwell asked, "Which side of Goff Avenue is this?"

Mr. Anderson stated, "Going from Highway 601 toward the bypass, these properties are on both sides of the road."

Councilmember Miller asked, "Is this all the property that Claflin has acquired?"

Mr. Anderson stated, "This is all we have acquired thus far, we would like to purchase property all the way to Clark Street."

Councilmember Miller stated, "In reading the minutes, I read a recommendation of going on and making both sides O-I up to Clark Street."

Assistant City Administrator Harley stated, "They talked about it and the question was whether or not how much property was to be acquired."

Councilmember Miller asked, "Where is the next residence from 25-29, is it occupied by a family?"

Mr. Anderson stated, "There were families in 24 and 25."

Councilmember Miller asked, "Those are vacant now?"

Mr. Anderson stated, "Yes."

Councilmember Miller asked, "What about the one right next to 13?"

Mr. Anderson stated, "12 belongs to Claflin and the other property belongs to us also, the last house on the corner does not belong to us."

Councilmember Miller asked, "Is that the HUD house?"

Mr. Anderson stated, "That is further down the street."

Councilmember Jernigan asked, "The place with the three dots on them, what is that?"

Assistant City Administrator Harley stated, "Nothing, they don't own those lots."

Councilmember Miller asked, "Everything on Goff to the left, with the exception of the last house, belongs to Claflin?"

Assistant City Administrator Harley stated, "No, everything that has a hatched line going through them on the map already belongs to Claflin, then the other ones, that just have a number in them belong to Claflin and those are the ones we are dealing with at this time."

Councilmember Barnwell asked, "What is the property with the pink circle to the right?"

Assistant City Administrator Harley stated, "That is outside the City."

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Councilmember Miller asked, "Wouldn't it be more feasible to change everything on the left side up to Clark Street? It seems to me that the parcel will be left out and they will soon be knocking on our door to have it changed and we'd be doing the same thing."

City Administrator Yow stated, "City Council could send it back to the Planning Commission and we would have to go back through the advertisements if necessary. You could still refer it back to them and still grant Claflin's request tonight."

Mr. Anderson stated, "Our plans are to purchase all the property up to Clark Street."

Mayor Miller stated, "I think we should go ahead with the request and make a recommendation to the Planning Commission to look at the rest of that block. Mr. Anderson, I applaud you for trying to purchase additional properties to protect your current property. Not only you, but South Carolina State, is landlocked to some degree. It serves many purposes, it revitalizes Goff Avenue to some degree and I have noticed that there are more vacant properties that have been cleaned up and it looks so much better than it has in years."

Hearing no further comments, the Public Hearing was closed.

Council then entered into the regularly scheduled City Council meeting.

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to approve the August 1, 2006, City Council Minutes as distributed. This motion was unanimously approved.

A motion was made by Councilmember Rheney, seconded by Councilmember Barnwell, to approve the August 8, 2006, Special City Council Minutes. This motion was unanimously approved.

City Administrator John Yow presented the Second Reading of an Ordinance amending the Budget for the City of Orangeburg, SC, for the fiscal year beginning October 1, 2005, and ending September 30, 2006. Councilmember Miller made a motion, seconded by Councilmember Rheney, to accept the Second Reading of the Budget Amendment Ordinance. This motion was unanimously approved.

A motion was made by Councilmember Miller, seconded by Councilmember Jernigan, to approve the Second Reading of an Ordinance to raise revenue and adopt a budget for the City of Orangeburg, SC, for the fiscal year beginning October 1, 2006, and ending September 30, 2007. This motion was unanimously approved.

A motion was made by Councilmember Miller, seconded by Councilmember Rheney, to approve the First Reading of an Ordinance to amend Section 24-4.1, of the Code of Ordinances and Zoning Map of the City of Orangeburg, SC, for the purpose of changing property owned by Claflin University from A-2 Residential Multi-Unit District to O-I Office-Institutional-Residential District. This motion was unanimously approved.

Concerning the Department of Public Utilities, a motion was made by Councilmember Barnwell, seconded by Councilmember Rheney, to approve the Second Reading of an Ordinance to accept the Department of Public Utilities budget for fiscal year October 1, 2006, to September 30, 2007, including proposed electric, gas, water and wastewater rates. This was a 4-1 vote with Councilmember Miller voting against the increase.

Councilmember Miller stated, "At the last meeting during first reading, I abstained from voting. I needed to do some self reasoning to make sure this was actually feasible at this time. The City has already passed on a tax increase on citizens of Orangeburg and at this time, to double tax the citizens as it relates to the water and sewage rates, I cannot vote in favor of this. This is something, at this point in time, with gas the way it is and the economy the way it is, it is not feasible right now and does not have my support."

A motion was made by Councilmember Barnwell, seconded by Miller, to enter into an Executive Session for a legal matters concerning Time Warner Cable Franchise and the Finance Department and a contractual matter concerning the purchase of property. This motion was unanimously approved.

Council returned to Open Session.

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to approve the Time Warner Cable Franchise with the City of Orangeburg. This motion was unanimously approved.

City Administrator Yow stated, "As Council knows, you asked for an environmental study to be done on this property as it related to asbestos. This was done and there was asbestos on this site found in the tile flooring of one building and in the glue in the other building. We have an agreement with the property owners and they will contribute up to \$30,800.00 for the removal of the asbestos materials.

Councilmember Miller stated, "I feel like this Council, a group of humanitarians and for my own personal knowledge, that I want to make sure that there is still an understanding of the placement of the tenants that may be living there, if that offer still stands."

City Administrator Yow stated, "As far as I know, we still have that agreement, that any tenants could move to other properties owned by them if they are still in good standing."

A motion was made by Councilmember Rheney, seconded by Councilmember Jernigan, to approve the purchase of the Riverside Apartments from Riverside Associates for the sum of \$325,000, with the agreement that the property owners will contribute up to \$30,800.00 for the removal of the asbestos materials. This motion was unanimously approved."

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

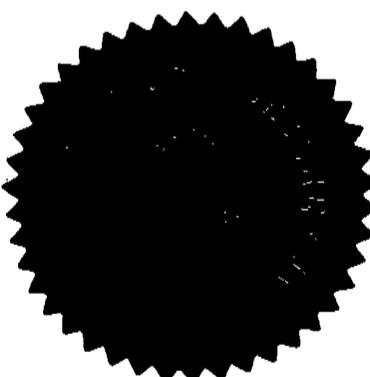
There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson
City Clerk

CWJ/pfb



CITY COUNCIL MINUTES
September 5, 2006

Orangeburg City Council held a Public Hearing on Tuesday, September 5, 2006, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. The purpose of the Public Hearing was to raise revenue and adopt a budget for the City of Orangeburg, SC, for the fiscal year beginning October 1, 2006, and ending September 30, 2007.

PRESENT:

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

An invocation was given by Councilmember Rheney.

Mayor Miller opened the Public Hearing for comments on raising revenue and adopting a budget for the City of Orangeburg, SC, for the fiscal year beginning October 1, 2006, and ending September 30, 2007. Hearing no comments, the Public Hearing was closed.

Council then entered into the regularly scheduled City Meeting.

A motion was made by Councilmember Miller, seconded by Councilmember Jernigan, to approve the August 15, 2006, City Council Minutes as distributed. This was a 5-0-2 vote as Mayor Pro Tem Haire and Councilmember Knotts abstained as they were not present at the meeting.

Mayor Miller and DPU Manager Fred Boatwright presented Deborah S. Crosby with a Resolution and a gold watch for her thirty-four years, five months and six days of service to the City of Orangeburg, Department of Public Utilities.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to approve the Third Reading of an Ordinance amending the Budget for the City of Orangeburg, SC, for the fiscal year beginning October 1, 2005, and ending September 30, 2006. This motion was unanimously approved.

A motion was made by Councilmember Knotts, seconded by Councilmember Barnwell, to approve the Third Reading of an Ordinance to raise revenue and adopt a Budget for the City of Orangeburg, SC, for the fiscal year beginning October 1, 2006, and ending September 30, 2007. This motion was unanimously approved.

A motion was made by Councilmember Rheney, seconded by Councilmember Barnwell, to approve the Second Reading of an Ordinance requesting a change in property zoned A-2 Multi-Unit District to O-I District, property owned by Claflin University. This was a 6-0-1 vote as Councilmember Knotts abstained due to a conflict with her employment with Claflin.

Ms. Thomasina Williams from Sheridan Elementary School accepted the September, 2006 Character Trait, "Safety" from Mayor Miller.

Mayor Miller presented to Bob Steele from WQKI Radio Station a Proclamation for his thirty-five years in the radio business and for being the first African American disc jockey in Orangeburg.

A motion was made by Councilmember Knotts, seconded by Mayor Miller, to approve the appointment of Mr. Robert Nance to the Aviation Commission to fill the unexpired term of the late Reverend Willie Baxter, District #6. This term will expire January, 2008.

A motion was made by Councilmember Rheney, seconded by Councilmember Barnwell, to approve a \$100.00 reduction in annual fees to full time students, faculty and staff at South Carolina State University. This would correspond with rates that are given to City and DPU employees. This was a 6-0-1 vote as Mayor Pro Tem Haire abstained due to conflict as being an employee with South Carolina State University.

City Administrator Yow overviewed the Ordinance as a requirement from the Municipal Association of South Carolina establishing formal procedures for Set Off Debt.

Councilmember Barnwell asked, "Does the State pay any of the cost toward collection?"

City Administrator Yow stated, "No."

Councilmember Barnwell stated, "It is manifestly unfair that we're a collection agency for the State and they don't pay us a cent."

Mayor Pro Tem Haire stated, "All the laws that are made in the State are not necessarily constitutional and unless someone gets the guts to start suing them, that is where it will stop."

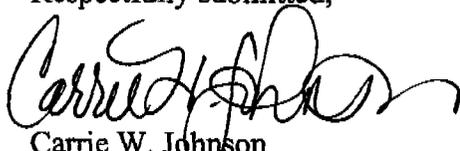
A motion was made by Councilmember Knotts, seconded by Mayor Pro Tem Haire, to approve the First Reading of an Ordinance related to the recovery of collection costs as a part of delinquent debts collected pursuant to the Set-Off Debt Collection Act. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the Third Reading of the Budget Ordinance for the Department of Public Utilities for fiscal year October 1, 2006, to September 30, 2007, including proposed electric, gas, water and wastewater rates. This was a 6-1 vote as Councilmember Miller opposed.

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

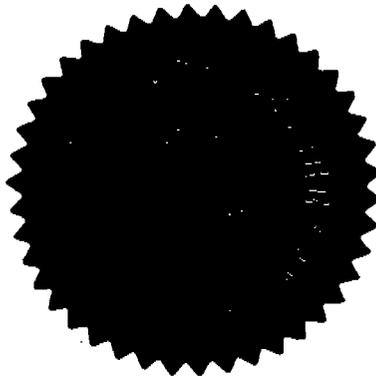
There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson
City Clerk

CWJ/pfb





RESOLUTION

WHEREAS, Frances M. Kelly, faithfully served the Department of Public Utilities of the City of Orangeburg for twenty-one years, ten months and twenty-two days with a retirement date of August 23, 2006; and

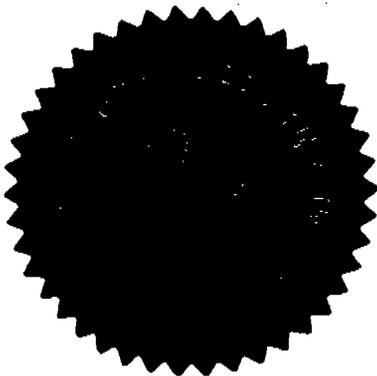
WHEREAS, she, through her long and faithful service contributed greatly to the successful operation of the Department of Public Utilities; and

WHEREAS, the City Council, in recognition of the fine contribution rendered the City of Orangeburg, wants to inscribe on the records its appreciation.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Members of Council, in Council assembled, do officially recognize the faithful service rendered to the Department of Public Utilities in the capacities in which she served the Department and we take pride in commending her for a job well done.

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

PASSED BY the City Council of the City of Orangeburg, State of South Carolina, this 7th day of November 2006.



Paul A. Miller

Mayor
Benjamin Haire

Joyce L. Cheney

Dorinda P. Hoots

Charles B. Bantwell, Jr.

Melvin A. Miller

Chuck Dyer

Members of Council

ATTEST:

Cedric H. Johnson

City Clerk

CITY COUNCIL MINUTES SEPTEMBER 19, 1006

Orangeburg City Council held a Public Hearing on Tuesday, September 19, 2006, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. The purpose of the Public Hearing was for a zoning change from A-1 Single Family Residential District to A-2 Multi-Unit Residential District, property of Greg Campbell (Tax Map # 0151-15-03-001).

PRESENT:

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

An invocation was given by Captain Phillip Priest from Salvation Army.

Mayor Miller opened the Public Hearing for comments on a zoning change from A-1 Single Family Residential District to A-2 Multi-Unit Residential District, property of Greg Campbell (Tax Map # 0151-15-03-001).

Assistant City Administrator Harley addressed Council and stated, "I do want to make one correction that the property was formerly owned by Mr. Greg Campbell and is now owned by Mr. Bert Shuler. The information is located in your packet and the plat is also in your packet, you have a copy of the Land Use Map, zoning section and there is also a copy of the minutes from the Planning Commission and a copy of the Resolution from them on their recommendation for this property. The other information that is not included is a letter from Attorney Walsh as it regards to whether this is spot zoning. His opinion is that it would not be spot zoning based on the Comprehensive Plan. I also have for you a letter from Mr. Bert Shuler, who could not be here tonight, requesting that Council convene a second Public Hearing on Tuesday, October 3, 2006, and that City Council delay their initial reading and vote on the rezoning request until that time."

Mr. Charles Owens of 2047 Hydrick Street addressed Council, he asked, "Will City Council vote on this tonight, will we know now or later?"

Mayor Miller stated, "It is on the agenda for first reading and at that time we have the option to vote or table this, but most likely we will move forward."

Mr. Owens stated, "I would like to thank Mayor & City Council for the opportunity to discuss the zoning change on Hydrick & Hillcrest Streets. I came to oppose the zoning change for this community. We were at the Planning Commission meeting and despite opposition from the neighbors, it was approved. Mr. Shuler came by my house and gave me copies of the drawings of the planned development. We are somewhat distressed, and as you know, The Shuler Group is trying to construct three or four single family units, which would be approximately twelve units that would be in our neighborhood. He was not able to tell me the size of the units, the number of rooms or floors. We certainly are concerned about the number of people being added to our community. We are mainly a community of senior citizens and the quality of life is very good. We are concerned about changing the character of the neighborhood. About ten years ago, the area by Wells Drive was rezoned, a lot of small homes were built in the area, almost seventy five homes were built there. Now, using the single family residential homes, they put almost seventy five residences there instead of apartments. So they maintained the sense of community there."

Mr. Bobby Mack of 2140 Woodland Street addressed Council. He stated, "I built a new house about three years ago in the neighborhood. I had previous houses in Connecticut and Florida and now I live here. I thought I was in a nice neighborhood and I hate to see it change. If you change the zoning, the neighborhood will change and it is nice and quiet now and that is what I like."

Page 2

Mr. Jim Richardson of 2021 Woodland addressed Council, "I have been there since 1979, when there are attempts to change the community and concentrating on people, you start having problems. Our neighborhood is quiet, we have no problems. If they start with these concentrated apartments, or renters then the neighborhood will start having problems. We need to keep it like it is, we have too much money tied up in our property to have apartments put in our community."

Mr. J.C. Hydrick of 2198 Hydrick Street addressed Council. "I built up there in 1962 when all the roads were dirt, I was one of the first ones out there. We understood that this area was to be residential single family homes. I didn't know if the land was bought from Dean Campbell, I think Dean used to own it. I want it to stay for single family homes."

Mr. Jessie K. Heath of 2298 Hydrick Street addressed Council. "I am right across from this lot and I oppose this. I live alone, I just moved here. It is nice & quiet and I hope that it will remain the same."

Ms. Juanita Frazier of 2282 Chestnut Street addressed Council. "I live right on Chestnut and I oppose this. I live right on the main street of Chestnut which is busy, so I go in my back yard where it is quiet. If you let these apartments go there, then it will be noisy in the front and in the back and I won't have anywhere to go. I am really opposed to this."

Mr. Wesley Hanson of 2258 Chestnut Street addressed Council, "My wife was at the Planning Commission meeting and she was not able to attend tonight due to a revival, so I am here tonight. We have been on that street since 1978. We raised our boys there and I know that they want to put those apartments there and I have no objection to apartments but someplace else, not in this area. The neighborhood is conditioned for single family residences and when you have ownership, when houses are owned, an owner will have more pride and interest in the condition of a house than when someone is renting it. When you put that many units on a one acre lot, seventeen families, I don't know how you can count that, but I count it as being over exposed. With your consideration, if you change this and even if Mr. Shuler doesn't build these apartments then someone else will be the same dog wagging its tail again. My suggestion is to keep it the way it is, or we won't have any control over it. Changes were made when the mall was put in, but there was supposed to be a buffer zone, but they keep inching on up. Let's don't forget about the family atmosphere of the community. The noise is on the front, but you can go out back and it is alright. I wish you would strongly reconsider this zoning change."

Ms. Eloise Davis of 2172 Riley Street addressed Council, "When I relocated from Augusta, Georgia three years ago, it took me about eight months to decide on where to live. I chose this community because of the quietness. If this zoning will change the schools, I will have a problem. When we relocated here, I looked at those things. I own a non-profit organization. I may have to look somewhere else to relocate if the rezoning changes things for me and that is why I oppose this."

Mr. Clifford Goodwin of 2296 Chestnut Street addressed Council. "I strongly oppose the changing of this. I don't want to see apartments in my back yard. We would like to see it kept the same."

Mr. Vernon McDaniel of 2168 Hydrick Street addressed Council, "Mr. Shuler has one intention here and it is to make money and I have no objection to that. I want him to make all the money he can, but I don't want him to degrade my neighborhood making a dollar. If he builds these dwellings, we have no choice but to have renters there. We don't want renters in our neighborhood. When we built our house, we had a covenant that said it was a one family dwelling with a minimum of 100 feet across the front. It made a beautiful neighborhood where we raised our kids. The Orangeburg Mall and, Applebees have been added and are getting closer and closer. I know the City wants to move out. The City appears to have a lot to offer, but I can't stand here and tell you the City has anything to offer if they pass something like this. We don't want our neighborhood changed, leave it the way it is."

Mr. Hydrick stated, "This is the best neighborhood in Orangeburg."

Mr. Richardson asked, "What happens when this is over, what about all the other lots that are vacant. Are we going to have thirty-five units put on those? If that happens, we are going to sell and get out."

Mayor Miller stated, "We can only take them one at a time."

Mr. Richardson asked, "About ten years ago, where Walgreen's is, it was turned down. But then when the big money guy came in, it was changed. No opposition. Council can say it is not spot zoning, but I think different. If you take a spot in a neighborhood and change it, that is spot zoning. That is my opinion."

Mayor Miller stated, "They are zoned A-1."

Mrs. Frazier stated, "I lived in New York and this happened and when it did every house went up for sale."

Mr. Owens stated, "If you build homes like on Wells Drive, people will stay. They are a lot of empty lots and people can build new homes in our neighborhood. I am saying that there are brand new homes in our area because we have a good quality of life and we don't have to go outside the City for that. We have to develop homes within our area."

Councilmember Barnwell asked, "How many are retired?"

The majority of the audience raised their hands.

Councilmember Jernigan thanked the audience for coming. He stated, "I have talked to a lot of you on the phone and you are all on the same page and I really appreciate you all coming and voicing your opinion tonight and I think we will probably vote on it tonight as far as I am concerned, we will."

Councilmember Miller stated, "Mr. Richardson, you brought up some very good points and I want you to keep in mind the demographics of this Council and take a good picture because the next ten years this Council may not be the same makeup. I am being as honest as possible, to go forward in the future and to predict that you will not be going through the same ordeal would be shooting in the dark. Orangeburg is progressive and everybody wants to put a dollar in Orangeburg and we welcome that."

Mr. Richardson replied, "I work with Habitat and we have built over thirty houses in Orangeburg and every place we have developed homes has improved itself. We put single family owners in those houses and landlords are renovating and fixing houses in those areas because the community is demanding it. In areas of single family, those areas are improving."

Councilmember Miller stated, "I don't disagree with you, but unfortunately this body may not always be around and I want you to keep that in mind. Under the great democracy we currently live under, in ten years you may be fighting the same battle."

Mayor Miller stated, "I appreciate you all coming here tonight and expressing your opinions. Personal opinions matter to me. This isn't the first time Council has heard from citizens as it involves the neighborhood. I know that I listened intently to hear what you have said tonight. You can stay and we will take up that matter on the agenda."

Hearing no further comments, the Public Hearing was closed.

A motion was made by Councilmember Miller, seconded by Councilmember Barnwell, to approve the September 5, 2006, City Council Minutes as amended. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to approve the Second Reading of an Ordinance relating to the recovery of collection costs as a part of delinquent debts collected pursuant to the Set Off Debt Collection Act. This motion was unanimously approved.

A motion was made by Councilmember Rheney, seconded by Councilmember Barnwell, to approve the Third reading of an Ordinance requesting property change from A-2 Multi-Unit District to O-I District, property owned by Claflin University. This was a 6-0-1 vote, as Councilmember Knotts abstained as she is an employee of Claflin University.

Councilmember Barnwell stated, "Before we proceed with discussion on that, we need to determine whether or not we are going to have a second Public Hearing, which I am opposed to or whether we are going to vote on this at the next City Council Meeting. Mr. Shuler requested this zoning change and I think it is his place to be here. I think we need to move forward with a vote tonight and if we open it up to a second Public Hearing, all the people here tonight took their time and it was advertised publicly. We didn't have a second Public Hearing on Riverside Apartments. I think we would be establishing a wrong precedent if we did it here tonight."

A motion was made by Councilmember Barnwell that we do not have a second Public Hearing on the issue of rezoning and that we vote on the issue tonight. This motion was seconded by Councilmember Miller and unanimously approved.

A motion was made by Mayor Pro Tem Haire that the change of Zoning Request pertaining to Item #4, First Reading of an Ordinance to rezone property of Greg Campbell (Tax Map # 151-15-03-001) from A-1 Single Family Residential District to A-2 Multi-Unit Residential District be denied. This motion was seconded by Councilmember Rheney and unanimously approved.

Mayor Miller stated, "It is a dead issue and you won't have to worry about that being rezoned and a new request can't be made next week."

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to approve the reappointment of Mr. West Summers and Mr. Willie Hubbard to the Board of Adjustments and Appeals for a four year term ending July, 2010. This motion was unanimously approved.

City Administrator Yow addressed Council on this item as it pertains to public comments in City Council meetings. He then turned over the discussion to Mayor Pro Tem Haire.

Mayor Pro Tem Haire stated, "I have been concerned for some time that the public does not have time to comment on the items on the agenda. The agenda is sent out on Fridays and a lot of the time the public is unaware of what's coming up. There was an incident that happened due to us not having a Council Meeting, a group had to wait about a month to appear before Council. They were here on that evening and because they did not notify the City as their desire to address Council prior to, they were asked to come back. I have been attending Council for many years and I have sat in the audience as a student and have been allowed to make comments and I think this needs to be a participatory type government where the citizens are given ample opportunity to address their government. I think the means in which it is done now puts a handicap on the individual and I would hope that this Council will change this procedure and allow individuals to have the opportunity to make public comments on the agenda."

Mayor Miller asked, "Are you suggesting that at the beginning of a Council Meeting, we have something similar to a Public Hearing where citizens can come and speak what's on their mind. Tell me what you want."

Mayor Pro Tem Haire stated, "If an individual wished to address Council, he needs to have that opportunity. It doesn't mean it's on the agenda. If he is of the opinion that he wants to bring a point to us, we can hear it, we don't have to take action on it, we can take it under advisement. As it presently is, our agenda does not allow for public comments and I think it needs to be in our agenda for the Public to address us."

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Councilmember Barnwell stated, "I don't disagree with Mayor Pro Tem Haire, but I can foresee possible situations where it could be something critical with a department and I think if that individual doesn't realize what is on the agenda until Tuesday morning when it is in the T&D. Those that want to address Council need to go to City Administrator Yow so that they can be heard. If we open it up to discussion, we might be here until 10:00 at night."

Mayor Pro Tem Haire stated, "We are not here for a time limit, if there are citizens that want to address Council, I don't see putting a time limit on it. There is another body here in the City that has an opportunity for citizens to address agenda items and to address non-agenda items. I haven't seen an amount of time that it has taken. I haven't seen any kind of disorder that has risen out of this at the County. They seem to get through it just fine. I can't foresee that kind of situation occurring. If it does occur, I don't put a time limit on Council, and if that is part of the business of the City, then I am here for that."

Councilmember Barnwell stated, "I did not mean to infer that we wouldn't stay here as long as it is necessary if it is for City business. I am more afraid that we are opening up a can of worms that would go to the T&D and Council had no knowledge of what is coming up."

Mayor Pro Tem Haire asked, "How is it handled with the County as it relates to this issue? Have you seen this in reference to what you are saying?"

Councilmember Barnwell stated, "No, I have not, but I wish to remain separate from County Council."

Mayor Pro Tem Haire made a motion that we provide on our agenda an opportunity for the Public to make comments to Council. This motion was seconded by Councilmember Knotts.

Councilmember Knotts stated, "I concur with what Mayor Pro Tem Haire is saying and I do believe that the citizens have the right to come before Council, if they have regards to what it is. You may set parameters. If someone comes before Council that has a concern for a Department Head or a personnel matter, you let them know up front that it's a personnel matter and that can't be discussed. These are tax paying citizens and because of them we are here. I think citizens in the City should be given an opportunity to voice their concerns with some parameters set ahead of time. I don't think you should restrict someone. I think we have a duty to hear what the citizens have to say, regardless of how long it takes. It may be something that is on TV and we need to go home, but we are here to handle the business for the City of Orangeburg."

Councilmember Rheney stated, "I agree that we are here for the City of Orangeburg, but my one thought on this is I'd like to have some time to think this over instead of voting on it tonight. I think it is good for Bernard to recognize that we need it. I just would like to give it a little thought until next Council Meeting."

Councilmember Jernigan stated, "I think our present system of letting people speak is fine. I think if we open it up so that they can come in at any time during a meeting and speak on an issue, they are going to look at us for making a decision. It doesn't give us an opportunity for us to do our homework and provide them with an intelligent decision, if we have to make a knee jerk type of decision on something. I think it could create some problems. I don't think we could make a good decision for the citizens of Orangeburg in a case like that. I think our present system allows citizens to speak to Council any time they want to, all they have to do is call the City Administrator or one of us and say they want to address Council and they can be put on the agenda. I don't think allowing for anyone to speak is going to benefit anything."

Councilmember Knotts stated, "Let me just reply to something you just said. It has always been Council's policy, or position, to when a citizen brings in information before we vote on it or have a discussion, if it requires additional information, we take it as information before we make some kind of decision, we still do that. I am trying to clearly understand what you are saying because we always take such things under advisement until we get further information."

Councilmember Jernigan replied, "I just feel like our present system is working fine and it gives us time to prepare an intelligent answer when something is put on the agenda, we can do our homework when they come in to talk about it, we can make a decision for them, we don't have to take it under advisement and put them off for a long period of time while we study it. We have already had time to study it and look at it because we know on Friday, before the meeting on Tuesday, what is going to be there. We can call that person and talk to them and find out their concerns and I think that the present system, as it is now, is working great."

Councilmember Miller stated, "Based on our discussion and whatever it is, it won't be deviated from. If we decide that we are going to stay under the current system, it should be upheld. We don't need to make special considerations. If we are going to allow public comments then we should adhere to it and nothing else."

Councilmember Rheney stated, "I can only remember one time that we have had someone to show up that was not allowed to speak. I walked up to a large group at the front door and I think if they had been allowed to speak, it might of gotten a little out of hand. Again, I'd like to give this some thought."

City Attorney Walsh asked, "What has been the procedure?"

City Administrator Yow stated, "As long as I have been here, it has been a policy that if someone wishes to speak to Council, their name is put on the agenda and they tell us what it is about. We do it usually before the agenda is put out."

City Attorney Walsh asked, "Can they do that twenty-four hours before a meeting?"

City Administrator Yow stated, "If someone calls this afternoon at 4:00 P.M. and said they wanted to address Council, we would put them on the next agenda."

City Attorney Walsh stated, "I thought that there was a policy that the request had to be on the agenda prior to the agenda going out."

City Administrator Yow stated, "We usually do that."

City Attorney Walsh stated, "We can amend the agenda twenty-four hours before. We always require a citizen to give notice before the agenda goes out."

Mayor Miller stated, "I would like to think about this before next Council Meeting and I just don't feel comfortable voting on it tonight. I would like to have the opportunity to explore other options. I don't think we have ever refused a citizen to speak to Council, we just ask them to be put on the agenda. I have reservations about this when we don't know who is coming. We have had a motion and a second and have had discussion on it."

Councilmember Miller stated, "I would also like some time to mull this over. I don't think I would like to have someone come up here and say, I don't like that, Trelvis Miller."

A motion was made by Councilmember Barnwell to table this until the next Council Meeting so that we may have time to study this. This motion was seconded by Councilmember Rheney. This was a 5-2 vote with Mayor Pro Tem Haire and Councilmember Knotts opposing.

Mr. Boatwright presented to Council and stated, "This is a Resolution for the City of Orangeburg and Department of Public Utilities to commence consideration of Federal Standards as specified in the Public Utility Regulatory Policies Act of 2005."

Mayor Pro Tem Haire asked Manager Boatwright about fuels in generating electricity rather than buying electricity, this would not pertain to us, correct?

Manager Boatwright stated, "It is my opinion that this would be our recommendation, once we consider this, I believe we would be covered under the Act."

Councilmember Jernigan asked, "This term consideration is just what it says, we are just considering this?"

Manager Boatwright stated, "Yes, we have one year to consider two of the standards and we have an additional year to consider the other three standards. If we decide not to adopt the standards, then we have to say we are not adopting them."

Councilmember Barnwell asked, "What do you recommend, Mr. Boatwright?"

Manager Boatwright responded, "I recommend that we consider adopting them because that is the law."

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Rheney, to approve the Resolution to commence consideration of Federal Standards as specified in the Public Utility Regulatory Policies Act 2005. 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 discussion on the purchase of real property and a personnel matter concerning the Parks and Recreation Department. This motion was unanimously approved.

Council did not return back into Open Session.

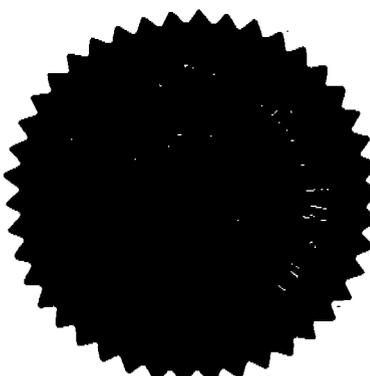
There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson
City Clerk

/pfb



CITY COUNCIL MINUTES
October 3, 2006

Orangeburg City Council held its regularly scheduled meeting on Tuesday, October 3, 2006, at 7:00 P.M., with Mayor Miller presiding. An invocation was given by Mr. Earlin Humes of the Fellowship of Christian Athletes.

PRESENT:

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

Students from Claflin University's class, Issues in Diversity were introduced.

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to approve the September 19, 2006, City Council Minutes as distributed. This motion was unanimously approved.

Mr. Earlin Humes of the Fellowship of Christian Athletes accepted the October, 2006 Character Trail, "Perseverance" from Mayor Paul A. Miller.

Mrs. Elaine Johnson, Gold Star mother, addressed her concerns before Council. She indicated she was speaking for the Gold Star mothers in the area. She stated, "The families are upset because a Memorial Day ceremony at the Prince of Orange Mall included a City Proclamation designating May 29th as Cpl. Matthew S. Davis Day in honor of a wounded soldier, while the other four soldiers who were killed were not remembered. All of these soldiers should have been given Proclamations and should have been honored also. That would have been the right thing and the fair thing to do as a city. We Gold Star families are requesting that a memorial wall be placed downtown on the square bearing the names of the first heroes of Orangeburg, this will show that they will never be forgotten."

Mayor Miller thanked Mrs. Johnson for her comments and concerns and he stated, "I know it had to be hard and we will not forget those men and women who paid the ultimate sacrifice. It is our plan that we will have a Veteran's Memorial erected in the near future and when we do, I am sure we will find some way to honor those soldiers."

Mrs. Johnson replied, "Do you understand our feeling, if you are going to give one soldier a Day and a Proclamation, then all four of the soldiers should have been given the same thing."

The Mayor stated, "I will be in touch with you and we will do the right thing and I am sorry that they were not recognized at that time."

A motion was made by Councilmember Rheney, seconded by Mayor Pro Tem Haire, to approve the Third Reading of an Ordinance relating to the recovery of collection costs as a part of delinquent debts collected pursuant to the Set-Off Debt Collection Act. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Knotts, to approve a Resolution authorizing the execution and delivery of a Master Lease Agreement for the financing of capital equipment. This was a 5-0-2 as Councilmember Barnwell and Mayor Miller abstained due to business relations with SCB&T.

A motion was made by Councilmember Barnwell, seconded by Councilmember Rheney, to approve a Resolution to purchase property (.35 acres) at the corner of Russell and Seaboard Streets in the amount of \$30,000 from William W. Sutcliffe and Elizabeth A. Sutcliffe Dukes. This motion was unanimously approved.

Mayor Miller stated, "We are considering a public comments section on our agenda and Mayor

ProTem Haire wanted this brought up, so I am going to turn this over to him at this time."

Mayor Pro Tem Haire stated, "I have nothing I wish to add from the last meeting, I feel the public needs to have an opportunity to have comments on any items they wish to bring before Council and we need to have it at some point on the agenda."

Councilmember Barnwell asked, "Would that pertain to items on the agenda or anything?"

Mayor Pro Tem Haire stated, "I don't have a problem with discussing agenda items or any item that the public wishes to bring before Council, I think there should be an opportunity to do so."

Councilmember Rheney asked, "Mayor Miller, when did you get the phone call about Mrs. Johnson who wanted to speak tonight?"

Mayor Miller responded, "About 3:00 o'clock this afternoon."

Councilmember Rheney stated, "See it can be handled effectively this way. I always thought if it is not broken, don't fix it. It has worked so well for us so far and I think we should continue the same way."

Councilmember Jernigan stated, "I agree that tonight was a good example of how the public can communicate with Council. It is just a matter of a phone call at some point in time. They have always have been able to be put on the agenda if they call early enough. If not, this lady that came tonight shows how you can be put before Council, so I agree, I don't see any need to change what we are doing now."

Mayor ProTem Haire stated, "That was a decision that was made by the Mayor. The policy is that you have to make a request prior to the agenda going out and that was not the case tonight. The case tonight was the person calling in today to request to speak before Council. If the Mayor had said, we have to have prior notice before the agenda going out, she would not have been able to speak tonight."

Mayor Miller stated, "She called me and I told her what our policy was and I found out what her concern was, I felt like it needed to be done tonight. I asked her to limit her comments and she said she would. I think what she had to say was extremely difficult for her to do."

Councilmember Barnwell stated, "I have mixed feelings about it. There is a way now for individuals to approach any Councilmember, the City Administrator or the Mayor in requesting to appear before Council. Maybe we need to change the time frame to call even if it is not on the agenda. I feel uncomfortable having a wholesale comment section if it is not on the agenda. We have a mechanism in place now."

Councilmember Knotts stated, " My position hasn't changed and I would just like to say, I still think somewhere in our process there should be a section in the agenda to come before this body. On a personal note, anytime I go to Wal-mart or anywhere, people have a tendency to bring their issues to me and I have said to them on a number of occasions that they needed to have this discussion before Council. Their personal feelings to me is that it was a little impossible.

Councilmember Rheney stated, "I'm not, I am always open to anyone, on the phone, at Wal-mart, grocery store, etc. I have always told anyone they can come before Council. I feel like there is a system that is working and I think if they are on the agenda, then we can plan for it."

Mayor Miller stated, " I have made some inquiries to twelve or fourteen cities in South Carolina, of which half of them have a policy like Orangeburg and the other half, allow some time on the agenda for public comments, which is generally limited to three or four minutes and it is has to be restricted. I can't remember we ever refused anyone the right to speak before Council, as long as they asked to be put on the agenda. However, there have been other individuals allowed to address Council as

Mrs. Johnson did tonight. I would be willing to give it a try on a trial basis for three months along with changing our meeting time to six o'clock. At the end of three months, evaluate the situation and if everyone is comfortable with it, we will continue with it, if not, we would regroup and do what we have been doing. I have been a proponent of meeting before 7:00 P.M. for a number of reasons. By meeting earlier, staff would not have to wait until 7:00 P.M. to come to a meeting. A lot of times we have a short agenda and it only takes thirty to forty-five minutes to have the meeting, so by having it earlier, it would allow our staff to have some family time on Tuesday nights or give them the opportunity to do other things. That is my two cents on it."

Mayor Pro Tem Haire stated, "I know you have talked about changing the time of Council and there are those of us in other positions that require us to do other things before Council, I don't see linking the two together. We are embarking on a project, a plan, to increase our City through annexation and this to me sends a bad message to other persons, yes, we want you, but we don't want you to address Council except by being on the agenda."

A motion was made by Mayor Pro Tem Haire to allow public comments at the end of the agenda, seconded by Councilmember Knotts.

Councilmember Miller stated, "I see this as being good and bad, we are an elected body and a voice of the people. I walk the aisles in Wal-mart and it is very difficult to even make it through certain aisles with people wanting to converse about why it rained so much in Orangeburg and they want to address Council. I think there needs to be a method in place that weeds out what should and shouldn't be talked about. If we open up a public forum, I see some repercussions coming from that. I am a strong advocate and proponent that citizens should be able to voice their opinions on any issue and thereto we will have no control on what is going to be said. This is a deep heartburn of mine."

Councilmember Barnwell stated, "Due to my law practice, I cannot meet at 6:00 P.M. I am in tune with giving everyone a right to come to Council and that's adequately addressed now, I wouldn't mind trying it for three months at 7:00 P.M. and I am like Councilmember Miller, there's a lot of good and bad."

Mayor Miller stated, "As you know, I get numerous phone calls from citizens on all sorts of things and often times it can be handled without someone coming to Council and sometimes Council isn't even the right entity. I don't mind a three month trial period, but I do have concerns about Council having no idea what the person is going to discuss."

Mayor Pro Tem Haire stated, "As Mayor, you will control the conversation or discussion if the person goes into areas that are inappropriate."

The vote was 3-4, to allow public comments at the end of the agenda, with Mayor Miller, Mayor Pro Tem Haire and Councilmember Knotts in favor of and Councilmembers Barnwell, Miller, Jernigan and Rheney opposing.

A motion was made by Councilmember Barnwell, seconded by Councilmember Miller, to allow public comments on the agenda for a three month trial basis until December 31, 2006. This was a 3-4 vote with Mayor Miller, Councilmembers Barnwell and Miller in favor of and Mayor Pro Tem Haire, Councilmember Knotts, Rheney and Jernigan opposing.

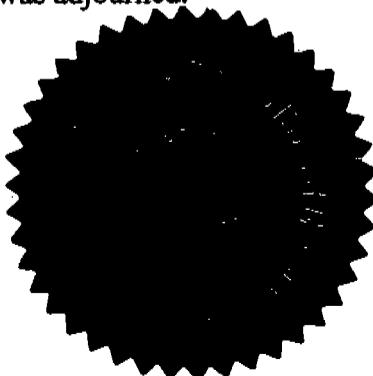
There were no utility matters brought before Council.

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 submitted,


Carrie W. Johnson, City Clerk





RESOLUTION

A RESOLUTION FOR THE CITY OF ORANGEBURG, DEPARTMENT OF PUBLIC UTILITIES TO COMMENCE CONSIDERATION OF FEDERAL STANDARDS AS SPECIFIED IN THE PUBLIC UTILITY REGULATORY POLICIES ACT 2005

WHEREAS, the Public Utility Regulatory Policies Act of 1978, as amended by the Energy Policy Act of 2005 (collectively, "PURPA") required, amongst other things, that municipal electric utilities with annual retail sales of 500 million kWh or more consider adoption of several federal standards; and

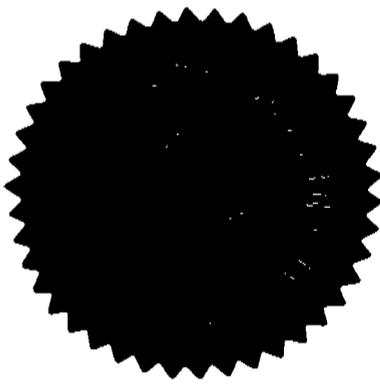
WHEREAS, the City of Orangeburg, Department of Public Utilities system is subject to PURPA requirements; and

WHEREAS, the City of Orangeburg has an interest in the safe and efficient distribution of electric utilities; and

WHEREAS, the City of Orangeburg wishes to commence consideration of whether or not to adopt the standards in accordance with PURPA requirements.

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 Department of Public Utilities of the City of Orangeburg shall commence consideration of whether or not to adopt the standards in accordance with PURPA requirements.

RESOLVED BY City Council duly assembled this 19th day of September, 2006.



Laura Miller
MAYOR

William Haire

Spencer P. Kuster

Charles B. Bandy

Julius A. Miller

Robert J. ...

James R. ...
MEMBERS OF COUNCIL

ATTEST:
Carruth H. ...
CITY CLERK

A RESOLUTION AUTHORIZING THE PURCHASE OF .35 ACRE, MORE OR LESS, WITH BUILDINGS AND OTHER IMPROVEMENTS THEREON FROM WILLIAM W. SUTCLIFFE AND ELIZABETH A. SUTCLIFFE DUKES FOR THE CONSIDERATION OF \$30,000.00

WHEREAS, the City of Orangeburg has determined that it is in the best interest of the City to purchase properties for further expansions and improvement; and,

NOW THEREFORE, BE IT RESOLVED BY CITY COUNCIL DULY ASSEMBLED, that the City of Orangeburg purchase the below described property for the net consideration of Thirty Thousand and no/100 (\$30,000.00) Dollars.

BE IT FURTHER RESOLVED, that John H. Yow, City Administrator, is hereby authorized and directed to sign all necessary closing documents to complete the purchase of the below described property.

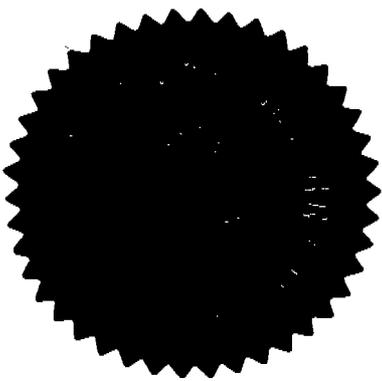
Description of property:

All that certain piece, parcel or lot of land, with warehouse building thereon, situate, lying and being in the City of Orangeburg, School District Five (5), in the County of Orangeburg, State of South Carolina, and being fully described and shown on a plat of property of R. R. Wolfe, made by Edward Hawes, Reg. C.E., dated August 7, 1948, recorded in the Office of the Register of Deeds for Orangeburg County in Plat Book 6, at page 88, and Plat Book 10, at page 69, and bounded and measuring as follows: Northeast by Seaboard Avenue and measuring thereon 427 feet, 4 inches; Southeast by the right-of-way of Russell Street and measuring thereon 34 feet, 1 inch; Southwest by the Atlantic Coast Line Railway right-of-way and measuring thereon 427 feet, 6 inches; Northwest by the right-of-way of Amelia Street and measuring thereon 35 feet, 3 inches. All measurements being more or less.

Together with any right, title, estate or reversion of the right-of-way previously used by the Atlantic Coast Line Railway Company on the southwest side of the above described property.

TMS:0152-20-01-006

DONE AND RATIFIED BY THE CITY OF ORANGEBURG, STATE OF SOUTH CAROLINA THIS 30th DAY OF OCTOBER, 2006.



Paul G. Miller
Mayor
Sam Haire
Sandra P. Knotts
Charles B. Brumley
Julius A. Miller
John D. King
James W. Roney
Members of Council

ATTEST: Carroll J. [Signature]
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 October 3, 2006, 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 \$ 542,380.00 at 3.9% 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 translations contemplated by the Agreement.

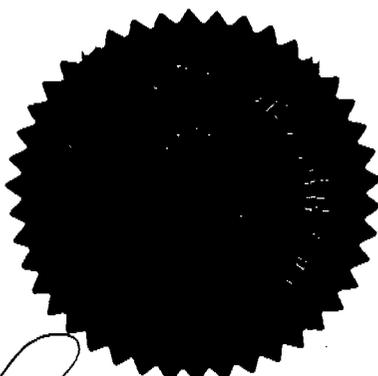
Name and Title of Person(s) to Execute Agreement:

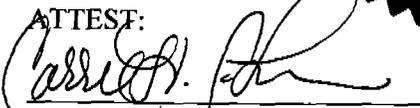
John H. Yow, City Administrator

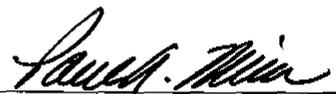
RESOLVED, the Lessee covenants that it will perform all acts within its power which are or may be necessary to insure that the interest portion of the Rental Payments coming due under the Agreement will at all times remain exempt from federal income taxation under the laws and regulations of the United 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 that ten million dollars (10,000,000.00) of tax-exempt obligations during the calendar year, and hereby designates the Agreement as a "qualified tax exempt obligation", as defined by Section 265 (b) (3) of the Internal Revenue Code of 1986, as amended.

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.

Passed by the City Council of the City of Orangeburg, South Carolina this 3rd day of October 2006.

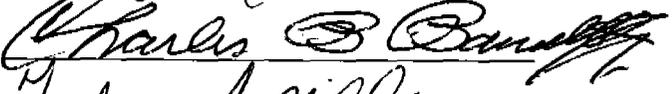


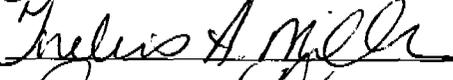
ATTEST:

City Clerk



Paul A. Miller, Mayor









CITY COUNCIL MINUTES
October 17, 2006

Orangeburg City Council held a Public Hearing on Tuesday, October 17, 2006, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. The purpose of the Public Hearing was to amend Chapter 24, Zoning Ordinances, of the City of Orangeburg Code of Ordinances.

PRESENT:

Paul A. Miller

Charles B. Barnwell, Jr.

Bernard Haire

Charles W. Jernigan

Sandra P. Knotts

Trelvis A. Miller

Joyce W. Rheney

An invocation was given by Mayor Pro Tem Haire.

City Administrator Yow stated that the City received information from Orangeburg County in regards to adopting a Resolution prior to October 31, 2006, concerning the Capital Projects Sales Tax Monies. He recommended that City Council hold a special meeting on October 31, 2006, at 12 noon. It was not certain that all Councilmembers could attend this session, but it was agreed to hold the special meeting for the above stated purpose.

Mayor Miller opened the Public Hearing for comments.

Assistant City Administrator Warren Harley stated, "There is a summary of proposed zoning amendments in your packet, I won't go over all of them in fine detail, I will try to overview briefly the main points and I will answer any questions you may have."

Mr. Harley stated, "Section 24-5.1, the big change is that we are moving from the Standard Industrial Classification Code (SIC) to the new North American Industrial Classification System (NAIC). There are really no major changes within that, we will have more use with the new section. The big change with the table with the recommendation by the Planning Commission is to allow townhouses and patio homes within the A-1 District as a conditional use. One of the changes that you will see on Section 24-6, PDD, item #4 on your summary that eliminates Type A Planned Development Districts. Prior to this proposal, you can possibly get townhouses and patio homes into a A-1 District as Mixed-Use using the PDD method. At this point on this proposal, it is to eliminate Type A PDD's and the Planning Commission has proposed this possibility of allowing townhouses and patio homes in the A-1 District."

Councilmember Jernigan asked, "On the A-1 Residential, you are going to have it so you can build PDD housing in A-1 Residential?"

Assistant City Administrator Harley stated, "No, I was going to #4 and hopefully expand a little more on what I was going to talk about. If you look at page 10 in your packet, the major change is the deletion of a Type A PDD, currently as it is written. If you wanted to have a PDD and have a Mixed-Use PDD and have a residential type development in the PDD, where they have single family homes and townhouses or patio homes, that is a possibility. Of course, they would have to get Council's approval. If you approve what is being presented to you tonight, you eliminate the PDD as we know it, in the terms that we have such as Type A and so forth. You would then have the proposal to have townhouses and patio homes in the A-1 District."

Councilmember Barnwell asked, "So, it wouldn't come before Council?"

Assistant City Administrator Harley stated, "No, it wouldn't."

Mayor Miller asked, "When you say townhouses, are they still single family or are you talking about a row like is on Berry Street where they are connected?"

Assistant City Administrator Harley stated, "Yes."

Mayor Miller asked, "When you say patio homes, are you talking about more houses per acre similar to what is going on now on Columbia Road?"

Assistant City Administrator Harley stated, "No, those are single family."

Mayor Miller asked, "What is the definition of a patio home?"

Councilmember Barnwell asked, "What were Mr. Shuler's on the corner?"

Assistant City Administrator Harley stated, "Those are single family, Type A PDD. If you remember, we only had one that was brought before Council and it was not approved, it was on Columbia Road where Orange Park is currently."

Councilmember Rheney asked, "This would still have to go before the Planning Commission?"

Assistant City Administrator Harley stated, "No, it would not, as these are presented in your Ordinance tonight for allowing patio homes and townhouses in the A-1 District, if you approve it as it is, there would be no need to come before the Commission. They would have to meet the conditions set forth."

Councilmember Jernigan asked, "Does that mean what we just did several weeks ago, for that place off Hillcrest on Hydrick, would they be able to build in that area over there without coming before Council?"

Assistant City Administrator Harley stated, "Yes, but not apartments, they could build patio homes or townhouses."

Councilmember Barnwell asked, "Define townhouses."

Mr. Dan Vismor stated, "A townhouse as defined in your Ordinance, as an attached single family house, keeping in mind, one unit and then another unit attached."

Mayor Miller asked, "What are patio homes?"

Mr. Vismor replied, "Patio homes are generally small homes on small lots and often the home will extend all the way to the property line on one side. What you will have is an easement to maintain that side of the property as small as five feet on one side. To compensate for these units going into an A-1 District, requires that the density remain the same in an A-1 District. That means if you are going to congregate an entire development you have to make up a greater open space or green area. In the final analysis, you have a 50 acre tract and for sake of explanation, the A-1 would say the minimum lot size is one acre, you could technically have 50 units. Therefore, you could have those fifty units in a townhouse setting or patio home setting on smaller lots, but the balance of those fifty acres would have to go to a common ownership so that the overall density would be the same whether you build single family homes. Townhouses are single family homes that are attached and patio homes are smaller single family homes on smaller lots. They are just different styles of single family homes. During our discussion over the past year, we were considering adding some flexibility in the Ordinance to allow developers to better meet market demands. We eliminated in the process the Type A, PDD and set up individual conditions that have to be met to establish a patio home project or a townhouse project in the A-1 District and if a developer meets these conditions, they are over and above the conditions of a single family residence. Those conditions don't have to be approved by the Planning Commission, they are specific in nature and staff could make that determination and approve it or disapprove it. If it is disapproved, that kills the project or the developer would have the option to appeal their decision to the Zoning Board of Appeals. They would have to have compelling evidence and that would be a difficult thing to do."

Councilmember Jernigan asked, "We hear a lot about apartments. Separate apartments from patio homes."

Mr. Vismor replied, "Apartments can come in a variety of styles, they can be high rise, garden, several floors, but they are in a single building. Townhouses are built on individual lots. The units may not be twenty feet wide, but you own from property line to property line within that townhouse. You own the land in front of it and the land behind it and your unit. Your unit is attached to another unit and in the Ordinance, it is written that you cannot have more than six units attached. Those units also have to be staggered so you do not get a straight face, for architectural purposes. You could turn right around and use the same scenario and call these apartments, they would all be under one ownership basically, the whole six units would be owned and rented. A high-rise structure could be a condominium or an apartment, if it is a condominium, you own your unit and if it was an apartment, then someone else owns the entire building, you rent a unit in the complex."

Mayor Miller stated, "It seems that we have townhouses already in the A-1 District now on the corner of Columbia Road and Broughton Street that was developed several years ago. Wouldn't those be considered townhouses?"

Assistant City Administrator Harley stated, "That is not A-1."

Councilmember Rheney stated, "The homes on Astor Court are a good example of patio homes, are they not? The houses go almost from side to side."

Assistant City Administrator Harley stated, "Yes, we do have definitions in our manual for those items."

Councilmember Barnwell stated, "What you are stating tonight is the residents that came in last time in opposition off of Hillcrest, if we adopt this, they could go ahead and do that without coming before Council?"

Assistant City Administrator Harley stated, "It is tough to merge the two issues, that was a rezoning issue to an A-2, which would allow apartments or other multi-family developments and what this is allowing is patio homes and townhouses in an A-1 District out right, without having to do a PDD and this would not allow apartments."

City Attorney Walsh stated, "What I can understand, is the definition is not that important, it depends on ownership. You could develop and build townhouses and meet conditions and still rent them out just like apartments. They are using hotels now and they call them condominium hotels but they are still hotels."

Councilmember Barnwell asked, "What is wrong with what we have now, you have a Type A, PDD?"

Assistant City Administrator Harley stated, "One of the recommendations from the Planning Commission from a Type A, PDD was a residential development going in a residential development, it was not actually a zoning change per the current Ordinance. It is stated in the current Ordinance as such. The type B, PDD is different so we looked at the PDD's and we looked at the situation. If it was a type A, PDD where it was residential going to residential or a business going in a business and it is not a zoning change, maybe it doesn't need to be reviewed by City Council. That was the discussion we had throughout the Planning Commission. City Council would review the PDD's but not as such, as the portion that relates to townhomes and patio homes, if you were to approve this. It is again up to this body to delete or add to this as necessary."

Councilmember Barnwell asked, "As I see it, essentially, what you are saying, the developer from the Hydrick Street area could have done that without coming to City Council or the Planning Commission?"

Assistant City Administrator Harley stated, "They could have put in patio homes and townhouses."

Councilmember Barnwell stated, "You say townhouses, but that is a common roof, even though you may own it. I see nothing wrong with it the way it is now, at least we have some control over the residential neighborhoods."

Assistant City Administrator Harley stated, "Certainly, we will make note of that. As to the rest of the PDD amendments, let me point those out. The other two things we did in the PDD is to provide an alternative procedure to using a Concept Plan. We currently require developers to come in with a fully developed plan, engineering and all the things that are necessary to complete the project. One of the things we talked to Mr. Vismor about is the alternative to the Concept Plan, which they would not have to meet every item under the Site Plan requirements initially. They would only be required to do items 1,2,4,7,8,10, 11 and 12. It would come to City Council for review and a non-binding decision would be made until the actual Site Plan requirement. This would give them the opportunity to allow you look at their concept and give you some idea as to what they are going to do, but it does not bind this body, they still have to meet the requirements of the PDD process.

Councilmember Barnwell asked, "What kind of PDD?"

Assistant City Administrator Harley stated, " It is proposed that we eliminate the Type A, PDD's.

Councilmember Barnwell asked, "You are eliminating all A, PDD's?"

Assistant City Administrator Harley stated, "Right, we are just doing them as PDD's."

City Administrator Yow stated, "If Council went back and kept the Type A, PDD's, you could still do this alternative concept on type A and type B. In other words, all they would be doing is bringing in the Concept Plan in on the Type A and B."

Councilmember Jernigan asked, "Can't they do that now?"

Assistant City Administrator Harley stated, "No, we require them to fulfill every step of the PDD process before it comes to Council, so they would meet with myself and Mr. Nelson, Building Official, and we would assist them with those requirements. All the ones that had to come before you to date, had to do that."

Councilmember Rheney stated, "This way they would have the preliminary before you would have the full thing."

Assistant City Administrator Harley stated, "Right."

City Administrator Yow stated, "Developers feel like they are spending a lot of money up front to get the plans to that point before they bring it to Council. They would like to have a Concept Plan developed and get it before Council to see whether or not you would like the concept to determine whether or not they will invest more money in the project."

Assistant City Administrator Harley stated, "This would be done on any PDD that comes forward."

City Administrator Yow stated, "It is talking about type B as it is coming from the Planning Commission, but if you decide to keep Type A in there, it would apply to both."

Assistant City Administrator Harley stated, "Let me say, even if you deleted the Type A, you could still delete from the table allowance of patio homes and PDD's. As a staff perspective, I think that would be an easier way to do the process. I think the heartburn is in the patio homes and townhouses in the A-1 District, the only major reason that is in there is because we eliminated that option with the Type A PDD's. We could still add that as a provision of any PDD that goes into any zoning district, without making it an outright or conditional use that they have to do these conditions. If you are not interested in the townhouses or patio homes, you could still keep the PDD as presented and as proposed by the Planning Commission and make a provision to allow patio homes and townhouses as a part of the PDD in A-1 and it would still have to come before this body."

Councilmember Barnwell stated, "You are eroding our authority and the Planning Commission's authority if someone wants to build townhouses in a residential neighborhood, we would have no say so in it as long as they meet code and that is not right."

Assistant City Administrator Harley stated, "You could eliminate that from the table as an allowable use and not approve that portion of it."

Mayor Miller asked, "What was the Planning Commission's rationale to delete the Type A, PDD?"

Assistant City Administrator Harley stated, "The type A, PDD's as currently in our Ordinance are simply PDD's that are allowed in certain areas that are zoned. You could only do residential PDD's in A-1 District, you can't do a business type PDD in a residential district. There really is no zoning change. There are other things that we will review in terms of consistency in the area as far as density that would be reviewed by staff."

Assistant City Administrator Harley stated, "Section 24, 6-4, in adding design overlay district on page 24, basically it provides for a list of permitted uses in the overlay district. As recommended by the Planning Commission, it would be the Railroad Corner going back to the intersection at the Gardens and going from Amelia to John C. Calhoun Drive, not the lots facing Calhoun, lots backing John C. Calhoun Drive. These would be uses not allowed in this district."

City Administrator Yow stated, "These are the ones we talked about in the City Planning Commission meeting in July."

Assistant City Administrator Harley stated, "There is an exception to some of the grandfathered things, but I will review that. It also creates a Design Review Board covering the powers and duties of that Board, and lists some design standards as well."

Mr. Harley stated, "Let me go over the Sign Ordinance as well, on page 35. The Sign Ordinance is still in tact from last reading, but I do have some amendments or updates that I will go over. Basically, the Sign Ordinance replaces what is currently in there and expands the list of signs that we have. We also have a recommendation to add some notes to that table, explaining in greater detail than we do currently, the Sign Ordinance as it relates to the types of signs and sizes. The portion of the Sign Ordinance that was recommended for the removal of signs as in Section 24, 8.9, the Planning Commission recommended that we do not pass this portion of the Ordinance due to the legislation that was passed by the State."

City Administrator Yow stated, "Warren is sending you what the Planning Commission sent us, but some changes have taken place since changes in state law."

Assistant City Administrator Harley stated, "There are amendments, as it relates to the removal of signs, we recommend that you don't pass those. I had to bring it back to you since that is what was voted on at the time by the Planning Commission and we do have an updated version from Mr. Vismor on the entire Ordinance. This is just a quick summary of the sign regulations, without restating everything that I have said. We basically recommend, as it relates to Table IV, the big changes is to recommend an amendment to Section 28.4, the section dealing with common signs which deals with specifically enclosed shopping centers to allow them to increase the space of their sign and then we added some definitions that we had not previously explained."

Mayor Pro Tem Haire asked, "On page 36, G, what is that?"

Assistant City Administrator Harley stated, "Political signs shall be removed within seven days of the election, that should read after the election."

Mayor Pro Tem Haire stated, "So what you are telling me, is that if I have a sign in my yard, that after seven days I have to take it out. I don't think we have or should have the authority to tell someone what political signs, when they use their property, to take out of their yard. We are getting too much into individual's rights and I think that is wrong."

Councilmember Barnwell stated, "I agree with Mayor Pro Tem Haire and also how many feet are in the right-of-way?"

Page 6

Assistant City Administrator Harley stated, "Those things already exist in the Ordinance, those aren't things that the Planning Commission did not change."

Mayor Pro Tem Haire stated, "If you are five feet from the sidewalk, aren't you in my yard? You are then going to dictate to me? We need to take that out."

City Administrator Yow stated, "That has been in there for many years and that will be your call. In my perspective, that has worked well for many years."

Mayor Pro Tem Haire stated, "People don't know about it."

City Administrator Yow replied, "Yes they do. When people put it up in the right-of-way, we truthfully enforce off the right-of-way and it is not four feet or three feet."

Mayor Pro Tem Haire stated, "I don't want to give anyone any kind of authority to come on my property and dictate to me that five feet from the sidewalk is in my yard. I don't want any government or person coming in my yard telling me what to do."

City Administrator Yow replied, "That is not a recommended change from the Planning Commission, you will have to make an amendment to the existing Ordinance to change that."

Assistant City Administrator Harley stated, "The buffer is pretty detailed, it starts on page 40. I am passing out a picture that will probably explain it better. It separates the buffers into Types A, B & C. There has been extensive discussion on the buffers. We are increasing the number of plantings or trees that are required to go into the buffer area and widening the width of the buffer area as well."

Councilmember Barnwell stated, "It should seem to me that type C should apply to all of them. The intent of the buffer zone is to protect them from the person next to them. When you start seeing shrubs instead of trees, that is a substantial difference."

Mayor Miller stated, "What you have is three buffers and the Planning Commission's recommendation to approve them as Plan A, B, or C?"

Assistant City Administrator Harley replied, "What the Planning Commission has recommended is to increase the plantings in each buffer so they have increased the intensity of each buffer."

Mayor Miller asked, "Who says whether you have A, B, or C?"

Assistant City Administrator Harley stated, "The Ordinance states that, already spelling out which one as to where you are, and what type of development you are doing."

Assistant City Administrator Harley stated, "The Tree Protection Ordinance clarified and relocates some information from after development to during development and that was on page 50 and the new underlined section was actually on page 51, items # 7 & # 8 have actually moved under item #2 during development. That way it makes more sense. We are clarifying it. The last portion under exceptions, under item #5, basically we didn't have anything clear as commercial timber, tree farms and nurseries where a developer would try to harvest their trees or timber and this was added to try to deal with that situation. Basically, if you were to come in and harvest the timber on your property, it would withhold any development for twenty-four months on that property. If you came in and wanted to harvest your timber. This helps avoid someone coming in and clear-cutting a piece of property and that was the intent of the Ordinance."

Mayor Pro Tem Haire asked, "If I had a piece of property and I wanted to cut the timber to construct something on it, I have to wait twenty four months?"

Assistant City Administrator Harley stated, "If you owned a piece of property and you wanted to develop it, you would have to preserve certain trees and you couldn't come in and clear cut it and start to develop it. You would have to work with Mr. Nelson and preserve some of the trees by our

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current Ordinance. If you do come in and harvest all the timber, this Ordinance has the provision where you could do that, but you could not develop it for twenty-four months. As it stands right now, you can't go in and harvest all the timber without penalty on our current Ordinance. We are trying to have some way in trying to balance the two."

City Administrator Yow stated, "What this is saying is if a person develops a property, they can't cut all of the trees on the property. This is saying someone can't come in and develop with the pretense of harvesting the timber. They come in and say we are harvesting the timber and not developing the property, and then they come in next week and say they are now wanting to develop the property since it is now clear cut. This makes a person to show their real intent."

Councilmember Jernigan asked, "If I have a lot and I am going to build a house on it and there is nothing but oak trees on it, I can cut half of the oak trees and then build my house and then cut the other half. "

City Administrator Yow stated, "If they are a certain size, you can't."

Councilmember Knotts stated, "Are we talking about specific trees and who would do that?"

Building Official Nelson stated, "I would do that and the trees have to be over 24 inches in diameter."

City Administrator Yow stated "This part about protecting significant trees is nothing new, it is already in the Ordinance. You are allowed to cut a tree that is of significant size if it is a diseased tree, a dying tree or one that endangers someones house, they can get permission to cut those."

Councilmember Barnwell asked, "If I have a tree in my yard, whether it is diseased or not, to cut it down, I have to come to the City to get permission to cut it down."

City Administrator Yow stated, "That is nothing new."

Assistant City Administrator Harley stated, "I am now going to Section 24, 11.9, Nonconformities on page 79. We are recommending the replacement of the entire Ordinance to clarify our current Ordinance on nonconformities and in addition it provides for continuance of non-conformity and nonconforming uses. It also provides for modification of change of nonconforming use. It provides for repair or alteration of nonconforming use and replacement or reconstruction and discontinuance of nonconforming use. It has an amortization schedule for nonconformities and I bring this up because of things in the overlay district being allowed. This body has the authority to say if something can be grandfathered in or give it an amortization period. Shipping containers are defined in this section. You see these throughout used as storage, we don't have anything specific now as it relates to those units."

Councilmember Rheney asked, "What about PODS?"

Assistant City Administrator Harley stated, "Those are temporary and most people use them for moving. That is about it and I will be happy to answer any questions you may have."

Councilmember Barnwell asked, "What about the sexually oriented businesses? I don't think they should be in the City."

Mayor Miller replied, "I think that is another subject. You can zone them out or tell them where to go."

Hearing no further comments, the Public Hearing was closed.

A motion was made by Councilmember Barnwell, seconded by Councilmember Knotts, to approve the October 3, 2006, City Council Minutes as distributed. This motion was unanimously approved.

City Administrator Yow overviewed the Ordinance as it pertained to the Public Hearing.

May Pro Tem Haire stated, "I have not had time to digest all of the material and recommendations. I would like to say that we need to go slow as it relates to infringing on the public's rights. Some years ago, my grandfather and I built a house, that still exists today, for his daughter and my uncle, which they successfully lived in for many years. My grandfather was not a well educated man. I was somewhat disturbed when a carpenter approached me in the past and he had done work for me before, he had a home he wished to renovate. Because he was not a contractor, he could not do the work himself, he had to hire someone. He then tore this structure down. With all these new Ordinances that we are enacting it is causing hardships on people and I think we should seriously look at them. This house was habitable and I think we need to look at homes that are habitable and allow people the opportunity to remodel them. We have to be careful not to infringe on the rights of property owners. Therefore, I am asking this Council to support tabling this."

Mayor Pro Tem Haire made a motion to table this item in order to digest this information, seconded by Councilmember Barnwell.

Councilmember Barnwell stated, "The main concern I have is changing the Type A, PDD's."

City Administrator Yow stated, "The one thing you need to do is to discuss it and come up with recommendations from what we bring to you from the Planning Commission. Mr. Harley & I may have other recommendations to bring to you. As you can see the Planning Commission has already done a thorough job with this and you can see how complicated this is. I commend them on a job well done. We do need some discussion from Council prior to the next meeting."

The motion to table this item was unanimously approved.

Mayor Miller stated, "I respect the Planning Commission and their work. These individuals are volunteers, and they work through these things before they come to us and I believe there are some issues here we need to work through first."

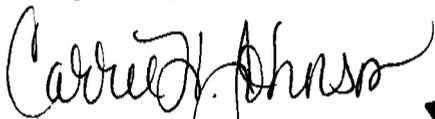
A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the acceptance of the Department of Public Safety Grant No. 1K06009 in the amount of \$38,725 for Violence Against Women Act Program. This motion was unanimously approved.

There were no utility matters brought before Council.

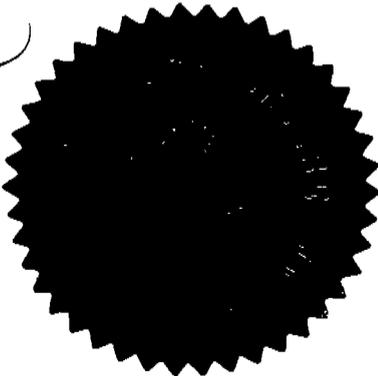
A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to adjourn. This motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,


Carrie W. Johnson
City Clerk

/pfb



**CITY COUNCIL MINUTES
OCTOBER 31, 2006**

Orangeburg City Council held a Special Meeting on Tuesday, October 31, 2006, at 12:00 Noon in Council Chambers with Mayor Miller presiding. A moment of silence was observed to remember the Rickenbacker families.

PRESENT:

Paul A. Miller, Mayor
Bernard Haire
Charles W. Jernigan
Sandra P. Knotts
Trelvis A. Miller

ABSENT:

Charles B. Barnwell
Joyce W. Rheney

Mayor Miller announced that the Christmas lightings for the downtown plaza would be on Sunday, November 19, 2006, at 7:45 P.M. immediately following the DORA Christmas Program at Stevenson Auditorium and the Edisto Memorial Gardens lightings on Monday, November 20, 2006, at 6:00 P.M. Also, South Carolina State University Homecoming festivities are November 3-5, 2006 .

A motion was made by Councilmember Jernigan, seconded by Councilmember Miller, to enter into an Executive Session for a legal matter concerning the Executive and Administration Departments, membership in the County of Orangeburg Joint Action Authority. This motion was unanimously approved.

Council returned to Open Session.

City Attorney Walsh addressed Council as to a Resolution to authorize membership in the Orangeburg Joint Action Authority related to the 2004 County Capital Projects Sales Tax with the following conditions:

The requirement that the collection, allocation, appropriation and distribution of the Tax Revenues and any bond revenues by the County or the Authority be in accordance with this Resolution and the provisions of the South Carolina Capital Project Sales Tax Act, the County and Authority shall use said revenues only for specific purposes and projects as identified in the Referendum and which would qualify under the provisions of the South Carolina Capital Project Sales Tax Act, the Articles of Incorporation and Bylaws of the Authority shall be amended to comply with the conditions of this Resolution and to require the unanimous consent of all founding and participating members of the Authority for any future amendment and the County shall agree and the Articles of Incorporation and Bylaws of the Authority shall be amended to provide for the allocation, appropriation and distribution of Tax Revenues, interest income, investment income and bond revenues to participating members as follows:

- A. All Municipality Projects of a participating member are to be acquired, constructed, owned and initially operated and maintained by the participating member as identified in the Referendum question and ballot.
- B. Any appropriated Project Tax Revenues or bond revenues remaining and not expended after the completion of a project by a participating member shall be reappropriated to other projects of that participating member.
- C. Tax revenues and bond revenues for a project shall be distributed to a participating member within thirty (30) days after the receipt of a voucher from the participating member identifying the project and itemizing the funds of the participating member expended for the purpose of acquiring or completing a project.

Page 2

- D. Investment income, including interest income, earned by the County of Orangeburg or the Authority on Tax Revenues, bond revenues and excess Tax Revenues, after payment of actual administrative, financial and professional services, shall be appropriated and distributed in compliance with Section 4-10-340 (c) of the South Carolina Capital Project Sales Tax Act to members of the Authority.
- E. If Tax Revenues and bond revenues are not timely distributed to participating members in accordance with this Resolution and the amended Articles of Incorporation and Bylaws of the Authority, all investment income, including interest income, on Tax Revenues and bond revenues of participating members not timely distributed to a participating member shall be paid in full to said participating members.

He further stated that the Mayor and City Administrator of the Municipality would be authorized and directed to execute and deliver all contracts, agreements, instruments, documents, affidavits, or certificates.

A motion was made by Councilmember Miller, seconded by Mayor Pro Tem Haire, to approve the Resolution authorizing membership in the Orangeburg Joint Governmental Action Authority related to the 2004 Capital Project Sales Tax issuance for Federally Tax-Exempt Bonds. This motion was unanimously approved.

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

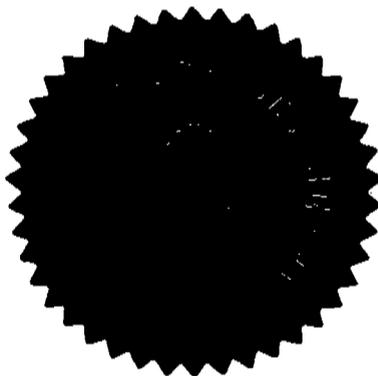
There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson
City Clerk

/pfb



**RESOLUTION AUTHORIZING MEMBERSHIP IN THE ORANGEBURG JOINT
ACTION AUTHORITY; AND OTHER MATTERS RELATED THERETO:**

WHEREAS, the Municipal Council (the "Council") is the governing body of the City of Orangeburg (the "Municipality"), a municipality created under the laws of the State of South Carolina (the "State"); and

WHEREAS, S.C. Const. Art. VIII, § 9 and S.C. Code Ann. § 5-7-30 bestow on each municipality of the State the power to enact resolutions, not inconsistent with the Constitution and general law of the State, respecting any subject which appears to it necessary and proper for the security, general welfare, and convenience of the municipality or for preserving health, peace, order, and good government in it; and

WHEREAS, S.C. Const. Art. VIII, § 13 and S.C. Code Ann. § 4-9-41(A) authorize any county, incorporated municipality, or other political subdivision of the State to agree with any other political subdivision for the joint administration of any function and exercise of powers and the sharing of the costs thereof; and

WHEREAS, the voters of Orangeburg County, South Carolina (the "County") have by referendum heretofore authorized, at the general election held on November 2, 2004 (the "Referendum"), the imposition and collection of a one percent (1%) sales and use tax as authorized by the South Carolina Capital Project Sales Tax Act (the "Tax Revenues") to be directly or indirectly applied for the acquisition and construction of certain public projects and other improvements (the "Projects"), and some of the Projects are located in the Municipality (the "Municipal Projects") and are to be acquired, constructed, owned, operated, and maintained by the Municipality; and

WHEREAS, the Orangeburg Joint Action Authority (the "Authority") is being formed as a nonprofit membership corporation under the laws of the State, for the purpose of providing an economical, efficient, and expeditious method of financing the acquisition and construction of the Projects, by means of the issuance of one or more bond series for its obligations, which are to be payable from the Tax Revenues that have been collected by the County, but only to the extent the same have been collected by the County therefor; and

WHEREAS, the Municipality desires to become a member of the Authority with other municipalities located in the County of Orangeburg ("Participating Member[s]") to finance the Municipal Projects on the most advantageous basis to the Municipality and to otherwise participate in the activities of the Authority;

**NOW THEREFORE BE IT RESOLVED BY COUNCIL DULY ASSEMBLED,
THAT:**

1. The Council finds that creation of the Authority and membership of the Municipality in the Authority are in the best interests of the Municipality because the Municipality is thereby enabled to cause the Municipal Projects to be financed more efficiently and economically.

2. The Council hereby authorizes the Municipality to become a member of the Authority and authorizes, empowers, and directs those officers listed in paragraph 3 hereinbelow to take such actions in furtherance thereof; provided that membership is conditioned upon the requirement that the collection, allocation, appropriation and distribution of the Tax Revenues and any bond revenues by the County or the Authority be in accordance with this Resolution and the provisions of the South Carolina Capital Project Sales Tax Act, the County and Authority shall use said revenues only for specific purposes and projects as identified in the Referendum and which would qualify under the provisions of the South Carolina Capital Project Sales Tax Act, the Articles of Incorporation and Bylaws of the Authority shall be amended to comply with the conditions of this Resolution and to require the unanimous consent of all Founding and Participating Members of the Authority for any future amendment and the County shall agree and the Articles of Incorporation and Bylaws of the Authority shall be amended to provide for the allocation, appropriation and distribution of Tax Revenues, interest income, investment income and bond revenues to Participating Members as follows:

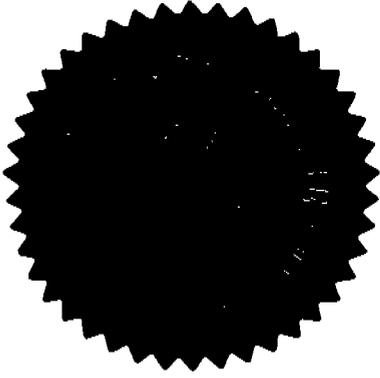
- a. All Municipality Projects of a Participating Member are to be acquired, constructed, owned, and initially operated and maintained by the Participating Member as identified in the Referendum question and ballot;
- b. Any appropriated project Tax Revenues or bond revenues remaining and not expended after the completion of a project by a Participating Member shall be reappropriated to other Projects of that Participating Member;
- c. Tax Revenues and bond revenues for a project shall be distributed to a Participating Member within thirty (30) days after the receipt of a voucher from the Participating Member identifying the project and itemizing the funds of the Participating Member expended for the purpose of acquiring or completing a project;
- d. Investment income, including interest income, earned by the County of Orangeburg or the Authority on Tax Revenues, bond revenues and excess Tax Revenues, after payment of actual administrative, financial and professional services, shall be appropriated and distributed in compliance with Section 4-10-340 (C) of the South Carolina Capital Project Sales Tax Act to members of the Authority.
- e. If Tax Revenues and bond revenues are not timely distributed to Participating Members in accordance with this Resolution and the amended Articles of Incorporation and Bylaws of the Authority, all investment income, including interest income, on Tax Revenues and bond revenues of Participating Members not timely distributed to a Participating Member shall be paid in full to said Participating Member.

3. The Mayor and City Administrator of the Municipality are hereby authorized and directed to execute and deliver all contracts, agreements, instruments, documents, affidavits, or certificates and to do and perform all such things and acts as each shall deem necessary or appropriate in furtherance of the purposes of this Resolution.

4. To the extent this Resolution is inconsistent with any prior action of the Council, such prior actions are hereby deemed amended, modified, superseded, and repealed.

5. This Resolution shall be construed liberally to fulfill its purposes and intent, except that nothing herein shall constitute a contract providing assurance with respect to the payment of the interest on or of the principal of any indebtedness or other obligation of the County or the Authority.

DONE AND RATIFIED BY THE CITY OF ORANGEBURG, STATE OF SOUTH CAROLINA THIS 31st DAY OF OCTOBER, 2006.



Laura Miller

Mayor

Joseph W. Rhoney

Charles B. Bandy

Charles A. Miller

Paul D. ...

James O. Hano

Sandra F. ...

Members of Council

ATTEST:

Carrie Johnson

City Clerk

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CITY COUNCIL MINUTES
November 7, 2006

Orangeburg City Council held its regularly scheduled meeting on Tuesday, November 7, 2006, 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 Councilmember Barnwell, seconded by Councilmember Miller, to approve the October 17, 2006, City Council Minutes as distributed. This motion was unanimously approved.

A motion was made by Councilmember Miller, seconded by Councilmember Jernigan, to approve the October 31, 2006, Special City Council Minutes. This was a 5-0-2 vote. Councilmembers Rheney and Barnwell abstained as they were not present at the meeting.

Mayor Miller and Department of Public Utilities Manager Boatwright presented Ms. Frances Kelly a Retiree Resolution and a gold watch for her twenty-one years, ten months and twenty-two days of service to the City of Orangeburg's Department of Public Utilities.

Mr. Curt Campbell from Downtown Orangeburg Revitalization Association (DORA) publicly thanked the City for their assistance to DORA and with their help in assisting with the Taste of Orangeburg.

Assistant City Administrator Harley addressed Council pertaining to the Zoning Ordinance. He stated, "There were amendments that we went through at the last meeting and in the summary, please remember that staff is recommending that we do not pass Amendment #7, removal of signs, and to leave that section in."

Mayor Pro Tem Haire stated, "On page 50, 24-9.5, Tree Protection, Item #B talks about tree removal is prohibited. In other words, this talks about individuals with their personal property can't cut down trees. I think we are overstepping the bounds of our responsibilities or authority to tell an individual who has a tree on his or her property that they have to get special permission in order to remove said tree. It allows for trees that are in bad condition. If I have a tree in my yard and I believe that it impedes my view, I am going to have to go to Public Works to get permission to cut it down. I think we are invading rights of individual citizens. I read in here about promoting public health and safety and general welfare. I think we are invading citizen's rights and I don't see how it will reduce noise. I know we are concerned about air filtration, but to say that I have to come to the City to get permission, I think is wrong and I would like to know and hear other individual's responses."

Assistant City Administrator Harley stated, "That is not uncommon, most cities that have zoning have a Tree Protection Ordinance so that people are not taken advantage of such, as trees endanger of buildings, homes, disease, and those things. It also specifies size and diameter of which you can remove trees. It is not all trees. Pine trees are exempt from this. All of this is not an addition to the Ordinance. The section that is underlined in red, in reference to pine trees, and the Ordinance only applies to hardwood trees. The Planning Commission did not make any changes to the Ordinance except for minor changes. When we look at our Ordinance, ours is probably more lenient than other Tree Protection Ordinances."

Mayor Pro Tem Haire asked, "On page 35-6, Section 24-8.6, Temporary Signs, is the chart still in there"

Assistant City Administrator Harley stated, "The chart or table is going to replace A&B, it clarifies the Ordinance with definitions of signs."

Mayor Pro Tem Haire asked, "In the table where it states sign types for display interval for political signs, you are saying here the display period is thirty days, am I correct?"

City Administrator Yow replied, "The way it is currently written would be thirty-seven (37) days, thirty (30) days prior to the election and seven (7) days after the election. That was the one you had concern with before."

Mayor Pro Tem Haire asked, "Are you talking about display periods where it says not applicable. Is there not a cut off date for removal?"

Assistant City Administrator Harley replied, "No, it is saying the thirty-seven (37) day period with the seven (7) days after the election when it needs to come down, that is the interval."

Councilmember Barnwell asked, "On page 9, 24-6, I see no reason for us to change what we have now as it refers to PDD's."

Assistant City Administrator Harley replied, "We have discussed this and if you are inclined to have the two type PDD's to remain how they are, that wouldn't affect the Ordinance, which is to add in the section about the Alternative Concept Plan and those things that go along with the Plan. If you are not willing to amend that section of the Ordinance, I would recommend that you do leave that portion of the Ordinance in as it pertains to the Alternative Concept Plan."

Councilmember Barnwell asked, "Would that come before Council?"

Assistant City Administrator Harley replied, "Yes, both stages."

Councilmember Barnwell asked, "What is the difference between A & B?"

Assistant City Administrator Harley replied, "Type A, PDD are actually not a zoning change in the Ordinance, all type A, PDD's are going in districts that are already approved for the use being put there. The PDD is not actually going in a contrasting zoning district."

City Administrator Yow stated, "To simplify for discussion, as a staff perspective, we don't have any concern if you leave the Type A, PDD as it is currently in the Ordinance where it comes before Council. The only question we want you to address is the Alternative Concept Plan on page 10."

Councilmember Barnwell asked, "The Alternative Concept Plan that would still come before Council?"

Assistant City Administrator Harley stated, "Yes, and they would have to still meet all the requirements and approve them."

Councilmember Jernigan asked, "If we approve the Concept Plan and they did not meet the requirements, we could then deny the final plans?"

Assistant City Administrator Harley stated, "Yes, you would still have the last say so."

Councilmember Barnwell asked, "Would that also apply to the buffer zones?"

Assistant City Administrator Harley stated, "The buffer zones would be different in terms of where they were and would be more intense depending on the location."

City Yow stated, "In a PDD, you would approve the overall Plan, including the buffer in the Plan Submittal."

Page 3

Councilmember Barnwell asked, "If we wanted to use the high density buffer, we would have that option?"

City Attorney Walsh stated, "It states that the Planning Commission may establish additional requirements and I think we need to add that City Council can also do that."

Councilmember Knotts asked, "The apartments like Hampton Chase and Edgewood, would these fall in this PDD?"

Assistant City Administrator Harley stated, "No, it was zoned and they met the requirements."

Councilmember Miller asked, "What if they changed ownership?"

Assistant City Administrator Harley stated, "It doesn't have anything to do with a PDD."

Councilmember Miller asked, "We can't require them to put up a higher density buffer?"

Assistant City Administrator Harley stated, "In essence, that is what you are doing if you vote these recommendations into effect overall. Those apartments are grandfathered in."

Councilmember Knotts asked, "If anyone else came in and tried to do such a development as those, would the buffer be of higher density?"

Assistant City Administrator Harley replied, "Yes, it would be more significant than what we have now."

Councilmember Jernigan asked, "In the Concept Plan, is the criteria outlined somewhere?"

Assistant City Administrator Harley stated, "It says what is required initially in D."

City Administrator Yow stated, "We realized that we need to bring some discussion on parking lots in the downtown area. We don't have the final language ready. We do realize that our Ordinance in some uses may be overly restrictive in areas we are trying to redevelop. As part of this we are going to bring some language back to give some flexibility in calculating parking spaces. When we have some developers downtown redeveloping buildings on set lots, it is going to be virtually impossible for them to meet parking requirements, yet not to create more parking problems. We would like to go ahead and proceed with first reading, but understand we will have some language to clarify that."

Councilmember Barnwell asked, "On the five foot setback on political signs, is that still in or has it been taken out?"

Assistant City Administrator Harley stated, "Anything that wasn't new or proposed is still in. Yes, it is still in and that is not just political signs."

Councilmember Barnwell asked, "That is the way it is now?"

Assistant City Administrator Harley stated, "That is not a new amendment."

City Administrator Yow stated, "People can still put them in yards, but the five foot setback is used."

A motion was made by Councilmember Rheney, seconded by Mayor Miller, to approve the First Reading of an Ordinance to amend Chapter 24, the Zoning Ordinance.

Mayor Pro Tem Haire stated, "I want to make a motion amending the Ordinance by removing item #G, page 36 from the text."

Page 4

Councilmember Rheney asked, "How long do you want them up?"

Mayor Pro Tem Haire replied, "I would leave that up to the individual."

City Administrator Yow asked, "Are you wanting to remove time limits all together or just the seven days after the election? Because the thirty days prior to the election would still apply if you just remove G."

Mayor Miller asked, "You want to make an amendment to remove item G, the seven days after the election?"

Mayor Pro Tem Haire stated, "This is not part of an Ordinance, it is new and I am suggesting it be removed from that table. I don't think it needs to be legislated."

Councilmember Knotts made a second to Mayor Pro Tem Haire's motion to remove Item G on page 36 from the Ordinance.

This was a 5-2 vote as Councilmembers Rheney and Jernigan opposed.

Councilmember Barnwell made a motion to leave the PDD's A & B as they are now as well as the Alternative Concept Plans so that they come before the Planning Commission and City Council as they do now and add type A back to this Ordinance, seconded by Councilmember Miller. This motion was unanimously approved.

A final vote was on the Ordinance with the two amendments that were made by Councilmember Rheney and seconded by Mayor Miller. This motion was unanimously approved.

Mr. Don Tribble, Executive Director of Orangeburg County Community Character, accepted the November Character Trait Proclamation, "Gratitude".

Councilmember Miller stated, " I would like a feasibility study to be done on Whitman Street between Magnolia and Elliott Streets, across the tracks behind McDonald's and Wendy's. What I propose is to make that area one-way going toward Elliott Street. I would also like to request from the Department of Public Safety, a traffic history there, as it relates to accidents and traffic problems even with accidents as it relates to the train. I think this area is a hazard to the City and an inconvenience to the citizens of Orangeburg trying to make a right or left on Magnolia Street from Whitman Street. I think this is something that would be more convenient to the citizens and cut down on the bottle-necking of traffic in that area. I would like to ask the City Administrator to request from the Department of Transportation that a study be done during working hours on this area and also request the information from DPS."

Mayor Miller asked, "Has any of the businesses on that corner expressed an interest in wanting it to be one-way?"

Councilmember Miller replied, "No, I don't think it would affect these businesses one way or the other and it would allow traffic to flow better and eliminate a lot of problems in that area."

City Administrator Yow stated, "When people are trying to pull out on Magnolia Street from Whitman Street either right or left, they are having problems trying to get out. We need to ask them to do a study, not only one way, but what to do to improve the traffic flow all together. One way may be one thing to look at but improved cross arms and lights, that is what has been expressed to me as a problem."

Mayor Pro Tem Haire asked, "John, is this at a certain time of the day?"

City Administrator Yow stated, "That is a good question and I will ask the Department of Transportation about that."

Page 5

Mayor Miller replied, "The same thing exists on Zan and Peasley Streets, trying to turn left on Magnolia Street because there is not a traffic light on Goff Street to stop it. Maybe what needs to be done is to look at that general area from Zan Street all the way to John C. Calhoun Drive. It is not only Elliott Street but also Zan and Peasley Streets."

Councilmember Barnwell stated, "We have the same problem at Goff Street."

Mayor Miller stated, "I share that concern, but maybe we need to ask them to look at that whole corridor."

City Administrator Yow stated, "That is a good suggestion."

Councilmember Miller stated, "We need to put an appropriate time, like during normal business hours."

A motion was made by Councilmember Miller, seconded by Councilmember Rheney, for the City Administrator to request SCDOT to do a feasibility study on the whole corridor from Zan Street to Glover Street onto Magnolia Street to study traffic situations. This motion was unanimously approved.

City Administrator Yow addressed Council as it related to a proposed Communication Tower by City Switch, LLC and for Council to go on record on this this matter. He stated, "CitySwitch is a subsidiary of Norfolk Southern Railroad and they are proposing to build a 150 foot telecommunications tower on a 25 x 75 foot parcel near the end of Amelia Street on Boulevard Street and we have marked that area so it can be viewed. It is very near Trinity Church and is on Norfolk Southern's right-of-way. We were able to contact the State Archives and History and obtain a copy of the application submitted to them for review of any adverse affect on any historical properties. State Archives did state that it would have an adverse affect on the church. They did recommend to CitySwitch to do further studies on the affect on historic properties on alternate sites. I made a conference call to City Switch with Mayor Miller and we asked them if they had any alternate sites. They had none and we suggested that they find other sites further up the track somewhere and we also pointed out an existing tower that they may locate their facilities on. It is not for railroad communications only, it is also for commercial use. Several persons and organizations in the community have come forward in opposing this site which are, the Chamber of Commerce, DORA, President Hugine from SC State University and President Tisdale from Claflin Univeristy and some members of Trinity Church. We have not gotten a reply from City Switch on any alternate sites, but they may be studying that now."

Councilmember Jernigan asked, "Did they tell you why they wanted that particular site?"

City Administrator Yow replied, "They said this was the site their engineers chose based on the effectiveness of their communication system."

Councilmember Rheney stated, "I think it would be unsightly and in a bad place and I think we should fight it."

Mayor Pro Tem Haire made a motion, seconded by Councilmember Barnwell, for City Council to go on record in opposing the erection of this tower at that location. This was unanimously approved.

There were no utility matters brought before Council.

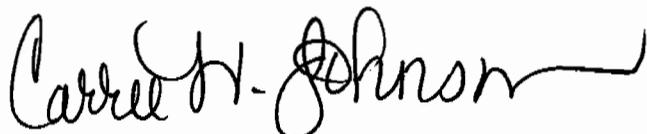
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Page 6

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to enter into an Executive Session for a legal matter in regards to the County's 1% Capital Projects Sales Tax. This motion was unanimously approved.

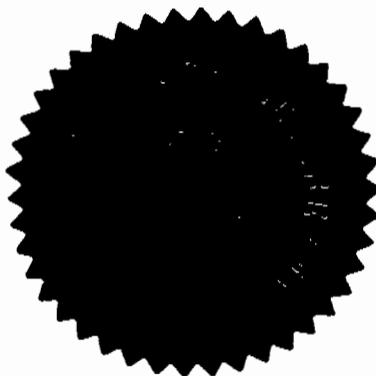
There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson, City Clerk

/pfb



CITY COUNCIL MINUTES
November 20, 2006

Orangeburg City Council held a special meeting on Monday, November 20, 2006, at 12:30 P.M., in Council Chambers with Mayor Miller presiding. An invocation was given by Mayor Miller.

PRESENT:

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

ABSENT:

Charles W. Barnwell
Trelvis A. Miller

Mayor Pro Tem Haire made a motion, seconded by Councilmember Knotts, to enter into an Executive Session for an Intergovernmental Agreement between the City of Orangeburg and County of Orangeburg Joint Action Authority.

Council returned to Open Session.

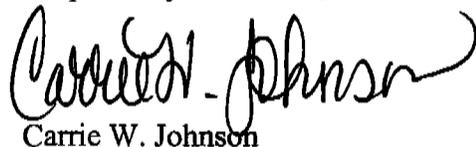
A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Knotts, authorizing membership in the Orangeburg Joint Action Authority; and other matters related thereto. This would repeal the previous Resolution dated October 31, 2006. This motion was unanimously approved.

A motion was made by Councilmember Rheney, seconded by Mayor Pro Tem Haire, authorizing the execution and deliverance of an Intergovernmental Agreement between the City of Orangeburg and County of Orangeburg for the purpose of allocating, appropriating, distribution and disbursements of the Orangeburg County Capital Project Sales Tax. This motion was unanimously approved.

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

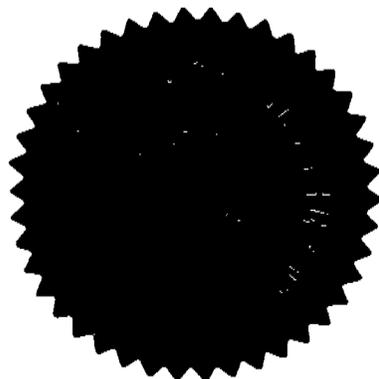
There being no further business, the meeting was adjourned.

Respectfully Submitted,



Carrie W. Johnson

/pfb



CITY COUNCIL MINUTES
November 21, 2006

Orangeburg City Council held a Public Hearing on Tuesday, November 21, 2006, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. The purpose of the Public Hearing was for consideration of Zoning Change from A-1 Single Family Residential District to B-1 Business District.

PRESENT:

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

An invocation was given by Councilmember Jernigan.

City Administrator John Yow addressed Council regarding documents in the packet related to the Public Hearing.

Mayor Miller opened the Public Hearing for comments.

Mary Jordan of 1219 Nelson Street addressed Council. She stated, "I stand in opposition in changing this piece of property in my neighborhood for a number of reasons. First of all, we are a residential neighborhood bound by deed to be residential. I didn't know whether zoning could transcend what is already in the deed for our properties. It does cause quite a bit of traffic to be pulled in our neighborhood and if you are aware of where we are, we are between two major streets, which are Old St. Matthews Road and Chestnut Street. At this time, the street is being used as a cut through from one street to the other. Generally, we have to back into our driveways at night because it is difficult to pull out in the morning unless you are backed in. Also, on that street is a very deep curve that is causing traffic problems. At the end of my street there is already a fast food restaurant and a shopping center that includes a night club, so there is already a great deal of traffic. I am concerned about the traffic due to the fact that there are small children in the neighborhood and we have two bus stops and one is a handicapped bus stop. I feel that there is availability of other properties already in the neighborhood and other areas that have been zoned that we need to have another chunk to be taken out. I like my neighborhood and we are just a small part of the voting population and I see bringing in more businesses will deter persons from living in the neighborhood. I would hope that this body see fit to deny changing our neighborhood."

Councilmember Miller asked, "You referred to the curve on Nelson Street. Is speeding a concern on that street?"

Ms. Jordan replied, "The volume of traffic is my main concern. I feel adding a business to the end of my street will only increase the amount of traffic that we have."

Councilmember Barnwell asked, "Your deed has restrictions that prohibits businesses?"

Ms. Jordan replied, "Yes."

Patricia Williams of 1288 Nelson Street addressed Council. "I live on the opposite end where this is being planned. I do see where there is a high rate of speed coming through Nelson and I see there is a lot of traffic in addition to the waste from the fast food restaurants, which is a problem. We don't have a park and our street doesn't have sidewalks. Sometimes, our children play near the street and we can't always delegate them to a specific area even though we try and the curve and the number of people passing through is a concern for me and parents of other children in the neighborhood. I feel we don't need another fast food place because on each end of the street there are fast food stores there. I feel that the mini mall won't bring any value to us as citizens and any property value will decrease just by the fact that it will be a mini-mall. I think there are so many

Page 2

other locations in Orangeburg that are already businesses, there are plazas sitting empty now, there are other places that can be used. For those reasons alone, I would really like you to take into consideration the fact that we are just regular citizens and we are trying to have a piece of the American dream and we don't want that to be threatened."

Ms. Linda McCants of 1229 Nelson Street addressed Council. " I am one of the veteran residents of the neighborhood so I have seen changes there. My biggest concern is that I oppose the rezoning basically for traffic reasons and for destroying the neighborhood when we came in there. I don't know the exact plan on how it is going to be used. I know that the area in question cuts deep into the neighborhood and whatever goes there, you will have the business area sitting directly onto the neighborhood. I ask that you listen and take into consideration what we are saying."

Mayor Miller asked City Attorney Walsh, "In the past there has been all sorts of deed restrictions in sub-divisions but those are all subject to change, are they not?"

City Attorney Walsh replied, "No, the residents are just not enforcing them."

Mr. Jai Singh addressed Council. " I am one of the members that are in favor of rezoning. We have talked about this and I understand their concern. At one time, I lived at 1495 Nelson Street. We lived there five years. At that time, BiLo, Revco, Sears and many other stores were there. Everything was so convenient. While I was there, BiLo and Revco or CVS moved. We never had any problem there. I would like to state that we are not planning on adding any driveways on Nelson Street. We want to rezone property on Chestnut from Popeye's to Walgreen's. I know someone had a concern about a driveway on Nelson to increase the traffic. There are two very huge driveways on Chestnut Street from the Shopping Center and I have a picture of that. When Popeye's was built there was another driveway built and I have a picture of that also. I don't think Nelson is actually used as much as Chestnut because the residential population has decreased on St. Matthews Road. If you go from Chestnut to St. Matthews Road and take a right everything is business. So many houses are already moved from there, there is very little population. People don't really use Nelson to go to St. Matthews Road, they use Chestnut. I don't think that it is really causing any problems. I don't think this would cause a big concern on Nelson. If we have a business on Chestnut Street, I don't think it will cause problems on Nelson."

If you are traveling down St. Matthews Road and turn on Nelson Street, Ms. Williams house is the second one on the left. Ms. Williams just bought recently, knowing that there are businesses nearby. I don't think that it is of major concern on Chestnut Street. That is not causing property values to go down."

Councilmember Miller asked, "Do you own those apartments on Nelson Street? If you look behind the mini mall and if there were homes there, do you want to live behind the mall, with a dumpster there, doesn't that deteriorate the property value?"

Mr. Singh replied, "No I don't. We bought the apartments from someone else, knowing that this business was there, we knew everything and that did not seem to bother the people living there."

Councilmember Miller asked, "You stated you once lived on Nelson Street, you no longer live there? Would you want a mini mall right there, would it bother you?"

Mr. Singh stated. "Yes, it wouldn't bother me. When I lived there, we had a huge mall there. I moved away out of state and moved back. I don't mind staying there at all."

Councilmember Miller stated, "You don't live there and you want these people to live there with this mini mall."

Councilmember Barnwell asked, "What do you intend to put there?"

Mr. Singh replied, "We plan to put an office building and a convenience store."

Councilmember Barnwell asked, "Would you want to live there with a convenience store in the backyard?"

Mr. Singh replied, "Yes, I have no problem with that."

Councilmember Barnwell stated, "I beg to differ with you, that is a cut through to St. Matthews Road from Chestnut and I don't think this body has the authority to change deed restrictions that run with the land."

Mr. Singh stated, "The main driveway we wanted was on Chestnut Street and not Nelson Street and what I am suggesting is there are already businesses surrounding us and there are also drives into Nelson and if it is not affecting Nelson's traffic, then we won't because it will be on Chestnut."

Councilmember Barnwell asked, "How many people do you think leave the mall from Nelson Street instead of going out on the by-pass?"

Mr. Singh stated, "If there is a driveway on Chestnut Street, I don't think that there would be any traffic on Nelson Street. The people who live on Nelson will go on Nelson and the people that don't live on Nelson won't go on Nelson because there are no residences on St. Matthews Road."

Councilmember Barnwell stated, "These individuals have children and it is used as a cut through and I have seen speeding and increased traffic because of Walgreen's etc., because of a strip mall that will increase traffic in the neighborhood."

Mr. Singh replied, "People will always try to use short cuts. If someone went to my property, unless they live on Nelson Street, they won't go on Nelson. I would rather go on Chestnut because it is sitting on Chestnut. We have no intention of putting a driveway on Nelson Street."

Mayor Miller asked, "The property that you are asking to be rezoned, are there houses there that people are living in and how many families are living there?"

Mr. Singh stated, "Yes, there are eight families."

Mayor Miller asked, "So if we were to grant this there would be eight families that would be moving elsewhere. You realize I am trying to grow the City not shrink it."

Mr. Singh stated, "Yes, we will be moving those houses and we don't know where yet. These houses are fairly new and we wouldn't be doing something for at least twelve months."

Councilmember Miller asked, "You are asking eight families to try to find a place to live?"

Mr. Singh stated, "These are rental properties and they move in and out all the time. This property was vacant a long time and we proposed this change many years ago and it was not the right time. We thought it wasn't going anywhere, we built those houses, so if it was empty what would you do?"

Councilmember Miller stated, "I will say this seven years ago, it wasn't the right time and presently it isn't the right time."

Mr. Singh stated, "I want to remind you that about ten months ago it was suggested that this area be rezoned business in the Comprehensive Plan."

Mayor Miller stated, "That meant that it could be rezoned not that it would be rezoned. Anyone wanting to change it would have to go before the Planning Commission just like you did."

Councilmember Barnwell asked, "The Planning Commission denied the request?"

Page 4

Mr. Singh stated, "Yes."

Mr. Singh stated, "Seven years ago about six people came to speak in opposition with Mr. Lawson and everyone didn't know what was going on. At that time people weren't sure about the situation. I said to them look at the property and see how it was situated."

Hearing no further comments, the Public Hearing was closed.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Knotts, to approve the November 7, 2006, City Council Minutes as distributed. This motion was unanimously approved.

Mr. West Summers brought the proposed design for the new City Council Chambers located in the old Fire Station #1 on Middleton Street. A smaller version was handed out to Council and Mr. Summers explained in detail what would be done and what the structure would entail. He explained the rooms, windows and ceilings and that he expects it to go to bid the first of the year and the project would take about nine months.

Second Reading of an Ordinance to amend Chapter 24, Zoning Ordinance, of the Code of Ordinances of the City of Orangeburg was postponed.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, that we accept the recommendation from the Planning Commission and deny the request to rezone property from A-1 Single Family Residential District to B-1 Business District.. This was unanimously approved.

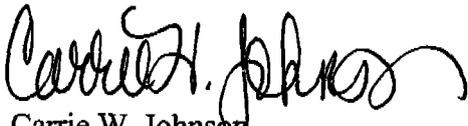
A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to approve the First Reading of an Ordinance to set Suburban Fire Protection Rates. This motion was unanimously approved.

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

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

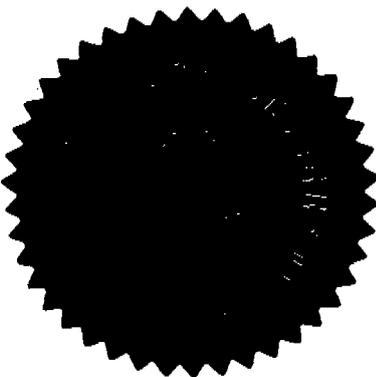
There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson
City Clerk

/pfb



CITY COUNCIL MINUTES

December 5, 2006

Orangeburg City Council held its regularly scheduled meeting on Tuesday, December 5, 2006, 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
Charles B. Barnwell, Jr.
Bernard Haire
Charles W. Jernigan
Sandra P. Knotts
Trelvis A. Miller
Joyce W. Rheney

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Jernigan, to approve the November 20, 2006, Special City Council Minutes as distributed.. This was a 5-0-1 vote as Councilmember Barnwell abstained due to not being present at the meeting and Councilmember Miller was not present at the time of voting.

A motion was made by Councilmember Jernigan, seconded by Councilmember Barnwell, to approve the November 21, 2006, City Council Minutes as distributed. This motion was 6-0 as Councilmember Miller was not present at the time of this voting.

Item #3 Second Reading of an Ordinance to amend Chapter 24, Zoning Ordinance, has been postponed.

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to approve the Second Reading of an Ordinance to set Suburban Fire Protection Rates. This motion was unanimously approved.

Chairman of the Accommodations Tax Advisory Committee, Fred Broughton, addressed Council. He stated, "The A-Tax Committee recommends the following: the Chamber of Commerce be designated as lead agency for A-Tax Funding for the coming year. The Committee also recommends the following funding: Festival of Roses Fund for the Festival of Roses event, \$5,000 for promotional expenses for television and radio advertising; Orangeburg County Fine Arts Center, \$2,500 for Showcase Orangeburg and River Stage Entertainment at the Festival of Roses 2007; Chamber of Commerce \$6,000 for visitors and tourism guides, promotional items and public relations; Downtown Orangeburg Revitalization Association, \$2,500 for a brochure highlighting the Orangeburg Downtown historic district; and the City Parks & Recreation Department, \$2, 800 for regional magazine promotional ads, SCPRT Vacation Kit ad and Children's Garden Christmas rack cards."

Mr. Broughton further outlined what Accommodation Taxes are and how they can be used.

Councilmember Barnwell asked if the tourism items for the Chamber of Commerce and the Parks & Recreation Department were the same. He expressed concern with duplication of services.

Parks & Recreation Director Buster Smith outlined what the monies for the Parks & Recreation Department would be used for.

A discussion was held on who the lead agency was and how those monies are distributed. City Administrator Yow explained how all the A-Tax monies are distributed annually.

Councilmember Barnwell asked, "If the monies were going to the Community of Character?"

Page 2

City Administrator Yow stated, "No monies were going to fund the Community of Character.

City Attorney Walsh stated "The monies are allocated by state statute and the lead agency does get a set percentage."

Mayor Miller stated, "The monies the Chamber of Commerce were asking for is for the promotion of the Festival of Roses."

Councilmember Miller asked, "Who does the advertising for Parks & Recreation? Also I have concerns with the Chamber being the lead agency and what that entails."

Chairman Broughton stated, "Parks & Recreation does their advertising."

City Administrator stated, "The City does not have to get approval of the lead agency, Chamber of Commerce, before expenditures."

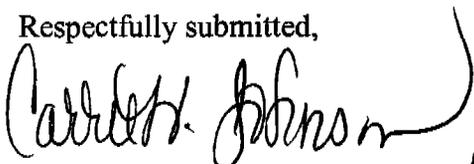
A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Rheney, that we accept the recommendations of the Accommodations Tax Committee. This was a 6-1 vote with Councilmember Miller opposing.

There were no utility matters brought before Council.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Knotts, to enter into an Executive Session for a legal matter concerning the Parks and Recreation Department. This motion was unanimously approved.

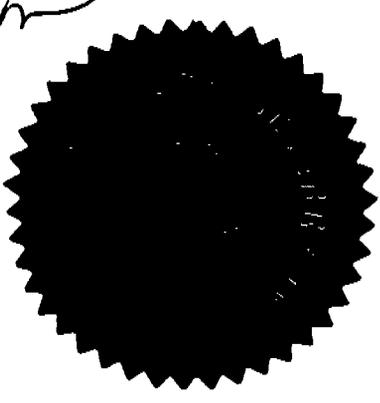
There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson
City Clerk

/pfb



**RESOLUTION OF THE CITY OF ORANGEBURG AUTHORIZING MEMBERSHIP IN
THE ORANGEBURG JOINT ACTION AUTHORITY; AND OTHER MATTERS
RELATED THERETO:**

WHEREAS, the Municipal Council (the "Council") is the governing body of the City of Orangeburg (the "Municipality"), a municipality created under the laws of the State of South Carolina (the "State"); and

WHEREAS, S.C. Const. Art. VIII, § 9 and S.C. Code Ann. § 5-7-30 bestow on each municipality of the State the power to enact resolutions, not inconsistent with the Constitution and general law of the State, respecting any subject which appears to it necessary and proper for the security, general welfare, and convenience of the municipality or for preserving health, peace, order, and good government in it; and

WHEREAS, S.C. Const. Art. VIII, § 13 and S.C. Code Ann. § 4-9-41(A) authorize any county, incorporated municipality, or other political subdivision of the State to agree with any other political subdivision for the joint administration of any function and exercise of powers and the sharing of the costs thereof; and

WHEREAS, the voters of Orangeburg County, South Carolina (the "County") have heretofore authorized, at the general election held on November 2, 2004, the imposition and collection of certain sales and use taxes (the "Tax Revenues") to be directly or indirectly applied, through appropriation by the County, for the acquisition and construction of certain public projects and other improvements (the "Projects"), and some of the Projects are located in the Municipality (the "Municipal Projects") and are to be owned, operated, and maintained by the Municipality; and

WHEREAS, the Orangeburg Joint Action Authority (the "Authority") is being formed as a nonprofit membership corporation under the laws of the State, for the purpose of providing an economical, efficient, and expeditious method of financing the acquisition and construction of the Projects, by means of the issuance of one or more series of its obligations, which are to be payable from the Tax Revenues that have been collected by the County, but only to the extent the same have been appropriated by the County therefor; and

WHEREAS, the Municipality desires the Authority to finance the Municipal Projects on the most advantageous basis to the Municipality and to otherwise participate in the activities of the Authority;

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF ORANGEBURG, IN MEETING ASSEMBLED, THAT:

1. The Council finds that creation of the Authority and membership of the Municipality in the Authority are in the best interests of the Municipality because the Municipality is thereby enabled to cause the Municipal Projects to be financed more efficiently and economically.
2. The Council hereby authorizes the Municipality to become a member of the Authority and authorizes, empowers, and directs those officers listed in paragraph 3 hereinbelow to take such actions in furtherance thereof.
3. The Mayor and City Administrator of the Municipality are hereby authorized and directed to execute and deliver all contracts, agreements, instruments, documents, affidavits, or certificates and to do and perform all such things and acts as each shall deem necessary or appropriate in furtherance of the purposes of this Resolution.
4. To the extent this Resolution is inconsistent with any prior action of the Council, such prior actions are hereby deemed amended, modified, superseded, and repealed.

5. This Resolution shall be construed liberally to fulfill its purposes and intent, except that nothing herein shall constitute a contract providing assurance with respect to the payment of the interest on or of the principal any indebtedness or other obligation of the Authority.

DONE AND RATIFIED BY THE CITY OF ORANGEBURG, STATE OF SOUTH CAROLINA THIS 20th DAY OF NOVEMBER, 2006.

Frank Miller

Mayor

Gene Haire

Sandra R. Haire

Chuck DeGraw

Joyce W. Phelan

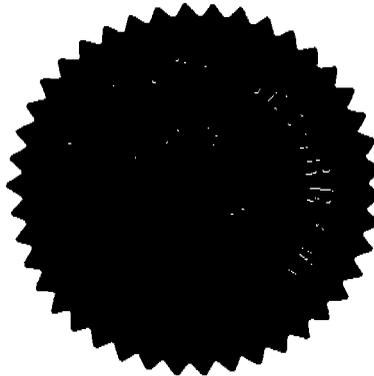
Members of Council

ATTEST:

Carrie H. Johnson

City Clerk

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**RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERANCE OF AN
INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF ORANGEBURG
AND COUNTY OF ORANGEBURG FOR THE PURPOSE OF ALLOCATING,
APPROPRIATING, DISTRIBUTION AND DISBURSEMENTS OF THE ORANGEBURG
COUNTY CAPITAL PROJECT SALES TAX**

WHEREAS, the City Council is the governing body of the City of Orangeburg (the "Municipality"), a municipality created under the laws of the State of South Carolina (the "State"); and

WHEREAS, County Council is the governing body of the County of Orangeburg (the "County"), a county created under the laws of the State of South Carolina; and

WHEREAS, S.C. Const. Art. VIII, § 9, S.C. Code Ann. § 4-9-30 and S.C. Code Ann. § 5-7-30 bestow on each county and municipality of the State the power to enact resolutions, not inconsistent with the Constitution and general law of the State, respecting any subject which appears to it necessary and proper for the security, general welfare, and convenience of a county or municipality or for preserving health, peace, order, and good government in local political subdivisions; and

WHEREAS, S.C. Const. Art. VIII, § 13 and S.C. Code Ann. § 4-9-41(A) authorizes any county, incorporated municipality, or other political subdivision of the State to agree with any other political subdivision for the joint administration of any function and the exercise of any powers; and

WHEREAS, the voters of the County have by referendum heretofore authorized, at the general election held on November 2, 2004, the imposition and collection of a one percent (1%) sales and use tax as authorized by the South Carolina Capital Project Sales Tax Act to be directly or indirectly applied for the acquisition and construction of certain public projects and other improvements (the "Projects"), and some of the Projects are located in the Municipality (the "Municipal Projects") and are to be acquired, constructed, owned, operated, and maintained by the Municipality; and

WHEREAS, the Orangeburg Joint Action Authority (the "Authority") is being formed by the County as a nonprofit membership corporation under the laws of the State for the purpose of providing an economical, efficient, and expeditious method of financing the acquisition and construction of the Projects, by means of the issuance of one or more bond series for its obligations, which are to be payable from the tax revenues that have been collected by the County, but only to the extent the same have been collected by the County therefor; and

WHEREAS, the County of Orangeburg and the City of Orangeburg have agreed to enter into an Intergovernmental Agreement for the purpose of providing an economical, efficient, and expedient method of financing the acquisition and construction of the Municipal Projects;

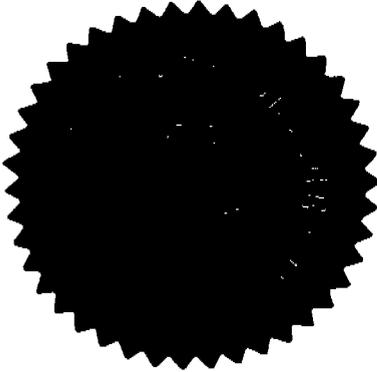
NOW THEREFORE BE IT RESOLVED BY CITY COUNCIL DULY ASSEMBLED, THAT:

1. The Council hereby authorizes the Municipality to enter into the Intergovernmental Agreement consisting of two (2) pages and attached hereto with the County of Orangeburg and directs that those officers listed in paragraph 2 hereinbelow to take such actions in furtherance thereof for the purpose of the collection, allocation, appropriation and distribution of the Tax Revenues and any bond proceeds by the County or the Orangeburg Joint Action Authority.

2. The Mayor and City Administrator of the Municipality are hereby authorized and directed to execute and deliver the attached Intergovernmental Agreement and to do and perform all such things and acts as each shall deem necessary or appropriate in furtherance of the purposes of this Resolution.

3. To the extent this Resolution is inconsistent with any prior action of City Council, such prior actions are hereby deemed amended, modified, superseded, and repealed.

DONE AND RATIFIED BY THE CITY OF ORANGEBURG, STATE OF SOUTH CAROLINA THIS 20th DAY OF NOVEMBER, 2006.



Mayor

Paul Miller
Sam Haire
Sandra A. White
Chuck Deane
Yvette Roney

Members of Council

ATTEST:

Carrie W. Johns
City Clerk

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CITY COUNCIL MINUTES

December 19, 2006

Orangeburg City Council held its regularly scheduled meeting on Tuesday, December 19, 2006, at 6:00 P.M., in Council Chambers with Mayor Miller presiding. An invocation was given by Reverend McCutcheon from the Trinity United Methodist Church.

PRESENT:

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

Mayor Miller stated, "There is information in each Councilmember's packet concerning the meeting dates for 2007 and the January 2, 2007, City Council Meeting has been canceled. Reverend Larry McCutcheon will not be making an appearance tonight and has requested to be on the agenda at a later date."

On behalf of the entire City Staff, City Administrator Yow wished Council and Mayor Miller to have a Merry Christmas and a Happy New Year.

A motion was made by Councilmember Barnwell, seconded by Councilmember Knotts, to approve the December 5, 2006, City Council Minutes as distributed. This was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Rheney, to approve the Third Reading of an Ordinance to set Suburban Fire Protection Rates. This motion was unanimously approved.

City Administrator Yow stated, "The next item on the agenda, is a Resolution for the Cafeteria Plan under Section 125 of the Internal Revenue Code of 1986. The City first started the 125 Plan about ten years ago and this Plan does two things which allows the employees to save money by having the medical or dependent care expenses paid pretax and it also saves the City money in the amount of money we pay in payroll taxes, so it saves the City and employees money. Please notice that this Resolution addresses the City and the Department of Public Utilities. We have had meetings and selected Benefit Coordinators to be the administrator of the program. Even though we have approved the 125 Plan Resolution several years ago, Benefit Coordinators is requesting a new Resolution to name them as the new administrator. The City and DPU would like to pass this Resolution, which will be effective January 2007. We have 74 employees participating now and we are encouraging others to participate.

Councilmember Barnwell asked, "Do we have an administrator now?"

City Administrator Yow stated, "We have been doing this in house and it has caused a few concerns and that's why we decided to go with this company to be sure that we were doing everything by the book."

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to approve the Resolution for the Cafeteria Plan under Section 125 of the Internal Revenue Code of 1986. This was unanimously approved.

There were no utility matters brought before Council. Department of Public Utilities Manager Boatwright, expressed his wishes for everyone to have a joyous Christmas season.

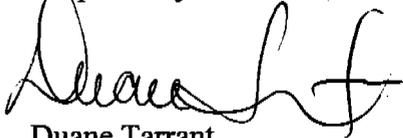
Page 2

Councilmember Rheney stated, "I received a note from DORA asking me to remind Council that Eddie Miles would be at Stevenson Auditorium on February 13, 2007, at 7:00 P.M. and there is a big poster in the lobby downstairs. He does a lot of classic legends music and the tickets are \$25 per person and the money will be used to pave the parking lot that was purchased next to BrowsAbout Antiques. Mr. Miles has appeared every year at the Newberry Opera House, so this is something big to have coming to Stevenson Auditorium here in Orangeburg.

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

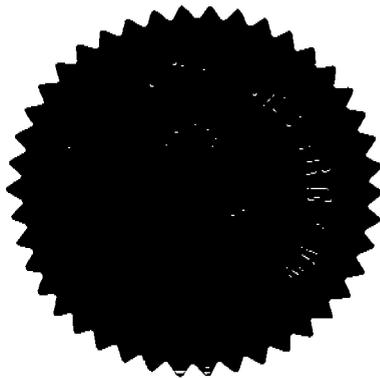
There being no further business, the meeting was adjourned.

Respectfully submitted,



Duane Tarrant
Assistant City Clerk

/pfb





RESOLUTION
of the City Council
City of Orangeburg, South Carolina

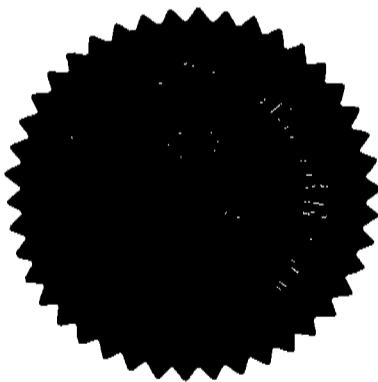
WHEREAS, the City Council of the City of Orangeburg deems it to be in the best interest of its employees and officers to amend and restate its Cafeteria Plan under Section 125 of the Internal Revenue Code of 1986, as amended, be it

RESOLVED, that the City Council hereby adopts and approves this Cafeteria Plan as amended and restated to become effective as of January 1, 2007, pursuant to the Adoption Agreement and Cafeteria Plan which are attached hereto;

RESOLVED FURTHER, that the City Administrator of the City of Orangeburg shall have the authority to:

- A. Execute this Adoption Agreement and Amended Cafeteria Plan and other documents and agreements as may be necessary to implement the plan, on behalf of the City of Orangeburg, including the Department of Public Utilities;
- B. Appoint a plan administrator for such plan and change such administrator from time to time with the advice and consent of the City Council;
- C. Contract with Benefit Coordinator, Inc., to provide assistance to the plan administrator in establishing and maintaining such plan; and,

RESOLVED FURTHER, that the City Clerk is directed to enter a copy of this Adoption Agreement and this Cafeteria Plan, as amended, into the records of this Institution, and into the minutes of this meeting.



Paul Miller

Mayor
James D. Hays

Sandra L. Smith

Charles B. Soudy

Michael J. Miller

Robt. J. ...

Jose W. Phaneuf

Council Members

CERTIFICATION

The foregoing is a true copy of a Resolution duly adopted by the City Council at a meeting on December 19, 2006, and entered in the minutes of such meeting in the City's minute book.

ATTEST:

Heaven ...

City Clerk
12-19-06
Date