

# CITY COUNCIL MEETING

JANUARY 2,  
2007

CANCELED

## **CITY COUNCIL MINUTES**

### **January 16, 2007**

Orangeburg City Council held its regularly scheduled meeting on Tuesday, January 16, 2007, at 7:00 P.M., in Council Chambers with Mayor Miller presiding.

#### **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 Barnwell, to approve the December 19, 2007, City Council Minutes as distributed. This was a 6-0 vote as Councilmember Rheney was not present at the time of voting.

Mr. Justin Eshleman, Director of the Samaritan House, addressed Council. He gave a status update on what the Samaritan House does and their activities. He introduced the Board Members that were present to Council. He overviewed where the Samaritan House began and why it was started. He further stated that the Samaritan House opened in February, 2002, serving approximately thirty-five (35) people per day. A power point presentation was shown.

Mayor Miller stated, "I'm impressed with what you are doing."

Mr. Marvin Wilson of the Samaritan House addressed Council. He stated, "At the Samaritan House we not only provide skills, growth and spirituality, we provide leadership and training. We are only a pit stop, they are not here to stay. We are moving in a productive pace."

Ms. Nancy Ayers accepted the January, 2007 Character Trait Proclamation, "Self-Discipline".

Mr. John H. Yow, City Administrator, presented to Council an overview of the renovation of the City Boat Landing and addition of a canoe/Kayak launch at the Edisto Memorial Gardens. He stated that Parks and Recreation Director, Buster Smith, has been working on this and this was something that Council discussed in their budget planning session last year. He further detailed that the cost of the project was anticipated at \$130,000.00 and \$100,000.00 was secured in a state Department of Natural Resources grant and the remaining \$30,000.00 was secured from a private donation from the Horne Foundation. The South Carolina Department of Natural Resources (SCDNR) has been working with the Army Core of Engineers to secure the necessary permits and there has been no time frame documented as the permits have not been issued.

Mayor Pro Tem Haire asked, "The information on the dock and boat landing, is the aluminum dock hazardous, such as in lightning storms?"

City Administrator Yow replied, "This is what the SCDNR uses on its boat ramps and docks and it is standard and I don't believe they have proven hazardous to date."

Councilmember Jernigan stated this is standard construction materials for most area boat landings.

Mayor Pro Tem Haire asked, "I see there are no final plans yet and will this come back to Council for approval?"

City Administrator Yow stated, "Yes, with the bid requirements of over \$100,000, this will come back to Council. I feel this will be a vast improvement over what is in existence now even when it was in its prime."

Page 2

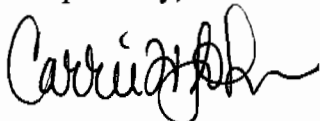
Councilmember Jernigan publicly thanked the boy scouts who worked on the dock and gave it a temporary fix and thanked them for their interest.

There were no utility matters brought before Council.

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

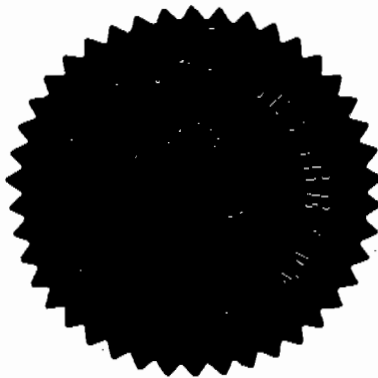
There being no further business, the meeting was adjourned.

Respectfully,



Carrie W. Johnson  
City Clerk

/pfb



**CITY COUNCIL MINUTES  
FEBRUARY 6, 2007**

Orangeburg City Council held its regularly scheduled meeting on Tuesday, February 6, 2007, at 7:00 P.M., in Council Chambers with Mayor Miller presiding.

**PRESENT:**

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

Mayor Miller introduced the Journalism Class from Claflin University.

A motion was made by Councilmember Knotts, seconded by Mayor Pro Tem Haire, to approve the January 16, 2007, City Council Minutes as distributed. This was unanimously approved.

Dr. Jessie Kinard, of the Orangeburg County Transportation Committee, addressed Council. He stated, "I am here to help resolve an agreement for sidewalks on Buckley Street and on Cherokee Street near Mellichamp School. We realized that we couldn't proceed due to an Agreement with the City of Orangeburg not being signed. I didn't want this project to be stalled again."

Ms. Joanne Woodward with the South Carolina Department of Transportation (SCDOT) handed out location maps and stated that the issue with the utilities has been resolved.

Mr. Allen Matienzo, Program Manager with SCDOT stated, "The two sidewalk projects are on schedule within the City Limits of Orangeburg and the Municipal Agreements needed to be signed in order to execute these projects. Basically, it is an agreement for SCDOT to do the work within the right-of-way in the City limits on these projects. I understand there may be some conflict with the wording of the Agreement, but we cannot move forward without them. Right now we are at a stand still until we get these Agreements executed."

Mayor Miller asked, "We have two Agreements here, these Agreements are for those two projects/areas only, correct?"

Mr. Matienzo stated, "Yes."

Mayor Miller asked, "Where on Buckley Street are these sidewalks going to be placed?"

Mr. Matienzo stated, "It will be on both sides of the street from Highway 601 until the gates at South Carolina State University. There is probably about 300 feet on the left hand side going on to the campus tying into an existing sidewalk."

DPU Manager Boatwright explained that the Department of Public Utilities and SCDOT have met and decided on a plan on what utilities needed to be moved. He stated that DPU has a binding agreement. In these cases, we do not have a right-of-way and we have met with SCDOT and DPU will incur the cost of moving the utilities.

There was a discussion on who was paying for this project. It was determined that SCDOT is paying for the project and DPU is paying for moving the utilities. DPU Manager Boatwright stated, "This is not uncommon."

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller to approve the Municipal State Highway Agreement pertaining to curb and sidewalk replacement on Buckley Street. This was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to approve the Municipal State Highway Agreement pertaining to curb and sidewalk replacement on Cherokee Street. This was unanimously approved.

Ms. Janet Barrett accepted the February 2007, Community Character Trait Proclamation "Honesty".

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to accept the nomination of Mr. Lamar Tisdale to fill an unexpired term on the Aviation Commission. This is for District #4 and this term will expire January 2008.

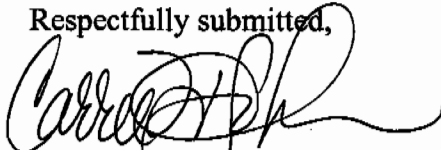
The next item of business on the agenda was the City of Orangeburg/Department of Public Utilities Personnel Handbook. After a brief synopsis from City Administrator Yow, this item was taken under advisement and Council was asked to direct any questions to City Administrator Yow, DPU Manager Boatwright or Ms. Pat Thomas at DPU prior to the next meeting so they could research them to report to Council..

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

A motion was made by Councilmember Rheney, seconded by Mayor Pro Tem Haire, to enter into an Executive Session for a legal matter concerning the County Capital 1% Fund.

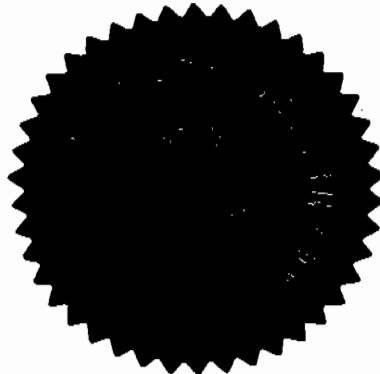
There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson  
City Clerk

/pfb



**MUNICIPAL STATE HIGHWAY PROJECT AGREEMENT**

**STATE OF SOUTH CAROLINA**

**COUNTY OF ORANGEBURG**

)  
)  
) **RESOLUTION**

Road/Route      S-828 (Cherokee Street)  
File              38.2005.1  
Item  
Project           Sidewalk Construction along Road S-828 (Cherokee Street)  
PIN               33940

WHEREAS, the South Carolina Department of Transportation ("SCDOT") proposes to construct, reconstruct, alter, or improve the certain segments of the highway(s) in the State Highway System referenced above which are located within the corporate limits of the City of Orangeburg (hereinafter, "the City").

WHEREAS, the City wishes to authorize the construction and improvements of the aforesaid highway(s) in accordance with plans to be prepared by the SCDOT ("the Project Plans").

NOW THEREFORE, BE IT RESOLVED that, pursuant to S.C. Code Ann. §57-5-820 (1991), the City does hereby consent to the construction or improvements of the aforesaid highway(s) within its corporate limits in accordance with the Project Plans. The foregoing consent shall be the sole approval necessary from the City for SCDOT to complete the project under the Project Plans and constitutes a waiver of any and all other requirements with regard to construction within the City's limits. This does not include a waiver of business licenses. The foregoing waiver and consent shall also extend to the benefit of utility companies engaged in relocating utility lines on account of the project. Further, the City shall exempt all existing and new right-of-way and all other properties purchased in connection with right-of-way for the highway(s) from any general or special assessment against real property for municipal services.

BE IT FURTHER RESOLVED, that the City will assist SCDOT in causing all water, sewer and gas pipes, manholes, or fire hydrants, and all power or telephone lines or poles located within the existing right-of-way to be relocated at the utility company's expense, except where the utility can demonstrate a prior right of occupancy. To the extent that City-owned utilities are to be relocated, those utility lines and/or appurtenances may be replaced upon the new highway right-of-way at such locations as may be approved by SCDOT. SCDOT shall not be liable for damages to property or injuries to persons as a consequence of the placing, maintenance, or removal of any utilities by the City or its contractors. Future utility installations by the City within the limits of the new right-of-way after project completion shall be pursuant to a standard utility encroachment permit obtained in the normal course and issued pursuant to SCDOT's "A Policy for Accommodating Utilities on Highway Rights-of-Way."

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

IN WITNESS WHEREOF, this Resolution is adopted and made a part of the Municipal records this 6th day of February, 2007, and the original of this Resolution will be filed with the South Carolina Department of Transportation at Columbia.

Dated:

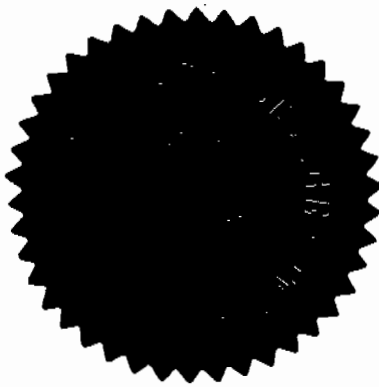
Orangeburg, South Carolina  
Municipality

ATTEST:

By: James M. Miller  
Mayor

Carrie H. Johnson  
City Clerk

James Haire  
Sandra D. Haire  
Charles D. Haire  
James L. Miller  
Robert D. Miller  
James W. Haire  
Council Members



**MUNICIPAL STATE HIGHWAY PROJECT AGREEMENT**

**STATE OF SOUTH CAROLINA**

**COUNTY OF ORANGEBURG**

)  
)  
) **RESOLUTION**

Road/Route      S-153 (Buckley Street)  
File              38.2005.2  
Item  
Project          Curb / Gutter and Sidewalk Construction along Road S-153 (Buckley Street)  
PIN              33941

WHEREAS, the South Carolina Department of Transportation ("SCDOT") proposes to construct, reconstruct, alter, or improve the certain segments of the highway(s) in the State Highway System referenced above which are located within the corporate limits of the City of Orangeburg (hereinafter, "the City").

WHEREAS, the City wishes to authorize the construction and improvements of the aforesaid highway(s) in accordance with plans to be prepared by the SCDOT ("the Project Plans").

NOW THEREFORE, BE IT RESOLVED that, pursuant to S.C. Code Ann. §57-5-820 (1991), the City does hereby consent to the construction or improvements of the aforesaid highway(s) within its corporate limits in accordance with the Project Plans. The foregoing consent shall be the sole approval necessary from the City for SCDOT to complete the project under the Project Plans and constitutes a waiver of any and all other requirements with regard to construction within the City's limits. This does not include a waiver of business licenses. The foregoing waiver and consent shall also extend to the benefit of utility companies engaged in relocating utility lines on account of the project. Further, the City shall exempt all existing and new right-of-way and all other properties purchased in connection with right-of-way for the highway(s) from any general or special assessment against real property for municipal services.

BE IT FURTHER RESOLVED, that the City will assist SCDOT in causing all water, sewer and gas pipes, manholes, or fire hydrants, and all power or telephone lines or poles located within the existing right-of-way to be relocated at the utility company's expense, except where the utility can demonstrate a prior right of occupancy. To the extent that City-owned utilities are to be relocated, those utility lines and/or appurtenances may be replaced upon the new highway right-of-way at such locations as may be approved by SCDOT. SCDOT shall not be liable for damages to property or injuries to persons as a consequence of the placing, maintenance, or removal of any utilities by the City or its contractors. Future utility installations by the City within the limits of the new right-of-way after project completion shall be pursuant to a standard utility encroachment permit obtained in the normal course and issued pursuant to SCDOT's "A Policy for Accommodating Utilities on Highway Rights-of-Way."

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

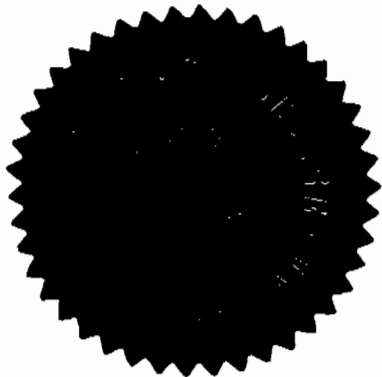
IN WITNESS WHEREOF, this Resolution is adopted and made a part of the Municipal records this 6th day of February, 2007, and the original of this Resolution will be filed with the South Carolina Department of Transportation at Columbia.

Dated: Orangeburg, South Carolina  
Municipality

ATTEST:  
Carrie H. Brown  
City Clerk

By: Laura M. Mann  
Mayor

Glenn Haire  
Sandra L. Smith  
Charles P. Brumby  
Teresa A. Miller  
John D. ...  
James W. Kheneey  
Council Members



**CITY COUNCIL MINUTES**  
**FEBRUARY 20, 2007**

Orangeburg City Council held its regularly scheduled meeting on Tuesday, February 20, 2007, at 7:00 P.M., in Council Chambers with Mayor Miller presiding.

**PRESENT:**

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

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to approve the February 6, 2007, City Council Minutes as distributed. This motion was unanimously approved.

Mayor Miller and Service Department Director Roger Brant presented to Andrew Berry, of the Service Department, a Resolution and watch for his twenty-one years, one month and seventeen days of service to the City of Orangeburg.

Mayor Miller and DPU Manager Fred Boatwright presented a Resolution and watch to William David Zorn of the Water Division of the Department of Public Utilities for his thirty-five years and nine days of service to the City of Orangeburg.

City Administrator Yow addressed Council concerning the City/DPU personnel handbook and the changes that were recommended by the labor attorney. He stated, "For Council's reminder, our current handbook is about ten years old. This update was done in conjunction with DPU staff, the City Attorney and the advice of our personnel law attorney. There have been many revisions made to address case law in South Carolina over the last ten years in State and Federal Law. For example, the TERI Law. Some things are clarifications, such as working holidays, they are only given eight (8) hours regardless of the length of shift. Also, technology changes, years ago there were not as many people on the internet, so we had to update our policy for internet use. There have been clarification in insurance and this policy doesn't govern that. Tuition reimbursement policy has been updated for the period of reimbursement or repayment obligations. That has been changed from termination of employment from ninety (90) days to one year. One change we have not made, but are still studying, are online degree programs. I think we need to study it more closer with the cost per credit hour and many degrees can be obtained in state. We want to make sure employees are getting a quality degree and we are not paying an exorbitant amount for a degree. We have made revisions in terminology to a drug free workplace. We have not made any changes since this was brought to you last time."

Councilmember Barnwell asked, "On page 3, should the Municipal Court Judge be addressed there?"

City Administrator Yow stated, "I don't think it would hurt, just stating he works for Mayor & Council."

Councilmember Barnwell asked, "On page 14, when an employee retires, should it not say, that any equipment they have in their possession be returned to the City?"

City Administrator Yow and City Attorney Walsh stated, "It is there and addressed, but we will make sure it is clarified."

Councilmember Barnwell asked, "On page 16, for the purposes of this policy, if the employee is under the influence, if he has any detectable amount of substance in his system, is that not contradicting State Law, such as alcohol?"



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City Administrator Yow replied, "I don't think it is intended not to coincide or contradict, they are not being charged with violation of State Law. In other words, in some of our drug testing that is being done, we wouldn't test just necessarily for a level of violations."

Councilmember Barnwell replied, "I think you need a detectable amount."

Councilmember Miller asked, "What is the difference between an alcoholic substance and a medication?"

Mayor Miller stated, "Medications are legal."

City Administrator Yow stated, "That comes up with drug testing, if you test positive for certain medications, you will need to provide your prescription."

Councilmember Miller asked, "Will they still be required to take the test if we knowingly know they are on the medication?"

City Administrator Yow stated, "They would still take the test."

Councilmember Barnwell asked, "On page 21, paragraph G, where the City doctor and the employee's doctor disagree, a third doctor will be chosen by the City. Should that not be between the City doctor and the employee doctor?"

City Attorney Walsh stated, "It could be, but the labor attorney recommended that."

Councilmember Barnwell asked, "On page 25, if there is an accident and it being minor, I would suggest that it must be reported to the supervisor."

City Administrator Yow stated, "It does state, it must be reported."

Councilmember Barnwell asked, "Has the City or DPU thought about making their buildings smoke free?"

DPU Manager Boatwright stated, "That is in existing policy. All of our buildings are smoke free."

Councilmember Barnwell asked, "On page 37, it states the City carries on-the-job accident insurance; I feel it would be better to say the City carries worker's compensation insurance as mandated by the State of South Carolina. Also, in the second paragraph, benefits under Title 42, SC Code of Laws, as amended 1976."

This matter will be brought back to Council in Ordinance form.

A motion was made by Councilmember Miller, seconded by Councilmember Rheney, to approve the appointment of Osborne Thomas Miller, III (Tripp) to the City Grievance Committee. He will fill an unexpired term that expires June 4, 2008. This is a three year term. This motion was unanimously approved.

There were no utility matters brought before Council.

Mayor Pro Tem Haire addressed Council. He stated, "Norfolk Southern doesn't practice good citizenship in Orangeburg. Last week, I was walking home from work and crossing the intersection of Boulevard and Peasley and at that time the crossbars were lowered and there were no switching of trains taking place at that time. However, the engine was not there and there were boxcars that were left, and the manner in which they were left, caused the cross arms to remain down. Individuals could not cross the tracks at Boulevard and Peasley or Highway 601 and Peasley. I waited a while to see how long it was going to take. About 20 minutes later the engine came back, and it sounded to me like switching was taken place near Zeus. The train switched off near Zan. At that time, I had the opportunity to talk to the switchmen. I ask him if it was necessary to block the crossing that

length of time? The switchmen stated, "We have been trying to get the City to close that crossing." "So in other words, they are going to do what they want to do, regardless of what we ask them to do. Today, I went home about 2:30 p.m., and I know that there is construction going on at the crossings here in the City. Last week, temporary work was done on Zan and Peasely and Boulevard. However, it was passable and traffic was flowing on all streets. When I went home today, they had the cross arms blocking the Boulevard and Peasley crossing. There was no work taking place there. I was walking and I saw one of the DPS officers and I mentioned to him that the crossing is being blocked and there is no work being done there and it is causing traffic problems. He said, he would check into it. I came to Council meeting tonight and it was still blocked. I just think that Norfolk Southern thinks that they have a position as a regulatory agency and they can do what they want. We have had similar situations in Orangeburg where cross arms were blocked and we have issued them citations. I would hope that citations would be issued."

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to instruct the Department of Public Safety to investigate the matter with the cross arms blocking traffic to see if citations can be issued. This matter was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to enter into an Executive Session for a contractual matter, conveyance of real property. This was unanimously approved.

Council returned to Open Session.

City Administrator Yow addressed Council. He stated, "Several years ago, Okonite donated three (3) acres of land for Substation #4. At that time, Okonite did not plan on an expansion. Since then, they are planning an expansion and they want the City to reconvey .66 acres back to Okonite. DPS Director Davis has looked at this and has indicated that it in no way impedes our operation. City Attorney Walsh will prepare an Ordinance."

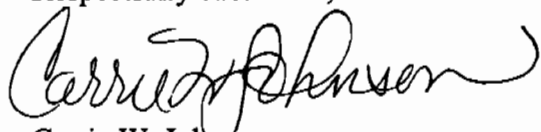
A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to approve the First Reading of an Ordinance to authorize the reconveyance of a tract containing .66 acre to the Okonite Company for the purpose of the expansion of the Okonite facility located near Prosperity Drive. This motion was unanimously approved.

A special City Council meeting will be held on Thursday, March 1, 2007, at 12:00 Noon, for Second Reading of the Ordinance to expedite this process.

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

/pfb





## **RESOLUTION**

**WHEREAS,**

Andrew Berry faithfully served the City of Orangeburg for twenty-one years, one month and seventeen days with a retirement date of February 16, 2007; and,

**WHEREAS,**

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

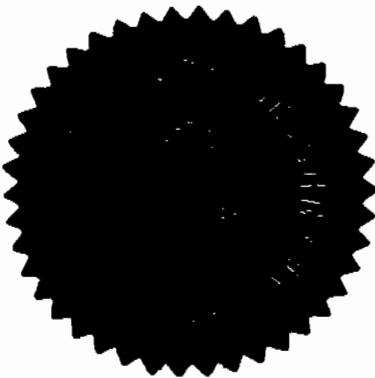
**WHEREAS,**

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. Berry in recognition of his services.

**PASSED BY** the City Council of the City of Orangeburg, State of South Carolina, this 20th Day of February, 2007.



*Paul G. Miller*

MAYOR

*Bernard Haire*

*Santha R. Kutt*

*Charles B. Brantley*

*Treleis A. Miller*

*Chas. D. Dargatzis*

*Joseph J. Pherey*

MEMBERS OF COUNCIL

ATTEST:

*Carrie Johnson*  
CITY CLERK



## RESOLUTION

**WHEREAS,** William David Zorn, Jr., faithfully served the Department of Public Utilities of the City of Orangeburg for thirty-five years and nine days with a retirement date of December 31, 2006; and

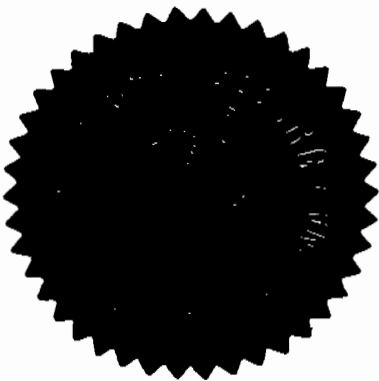
**WHEREAS,** he, through his long and faithful service contributed greatly to the successful operation of the Department of Public Utilities; and

**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. Zorn in recognition of his services.

**PASSED BY** the City Council of the City of Orangeburg, State of South Carolina, this 20<sup>th</sup> day of February 2007.



*Paul G. Miller*

Mayor

*James W. Kharee*

*Samuel Haine*

*Mark D. Dungan*

*Charles B. Banwell*

*Sandra P. Luster*

*Travis H. Miller*

Members of Council

**ATTEST:**

*Carrie W. Johnson*

City Clerk

**CITY COUNCIL MINUTES**  
**Special Meeting**  
**March 1, 2007**

Orangeburg City Council held a Special City Council Meeting on Thursday, March 1, 2007, at 12:00 Noon, in Council Chambers with Mayor Miller presiding.

**PRESENT:**

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

**ABSENT:**

**Trelvis A. Miller**

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Rheney, to approve the Second Reading of an Ordinance to authorize the reconveyance of a tract containing .66 acre to the Okonite Company for the purpose of the expansion of the Okonite Facility located near Prosperity Drive in the County of Orangeburg, State of South Carolina. This motion was unanimously approved.

City Administrator Yow overviewed the Ordinances and Resolutions concerning the revised personnel policy handbook.

Mayor Pro Tem Haire stated, "I know that you are stating that this is the recommendation from City Attorney Walsh and the labor attorney. I just have problems with that kind of Ordinance or legislation that pertains to employers and gives authority to employers concerning dismissing individuals without any reason. I don't see anything wrong with the present system we are using as it relates to providing employment to individuals. I would like to know why is it necessary for us to change from what we are doing now?"

City Attorney Walsh replied, "We need to change due to State Code. About a year ago the legislature, in response to court decisions that overruled the termination of public employees, provided that they had to be paid back pay, re-employed or the city had to pay court fees, so the legislature ratified at-will employment in the state. The only way this will apply is that you had to revise your personnel policy and revise your Ordinance that we are presenting to come under that statute. This doesn't change our personnel policy because we have retained our grievances procedure. In reality, it really isn't changing anything with the exception of taking courts out of the decision."

Mayor Pro Tem Haire asked, "In other words, if an individual loses his case as it related to appealing, he has no further steps in order to get remedy for it?"

City Attorney Walsh replied, "He still has the right to go to Circuit Court, but with what we propose to adopt, he or she will be very limited at being successful in the courts."

Mayor Pro Tem Haire stated, "This is my reason for objecting to it because it takes the rights away from the worker and I cannot support this."

City Attorney Yow stated, "There is still the grievance process and City Council can review this process as a body. It doesn't take away the review process."

Councilmember Barnwell asked, "Isn't South Carolina an employment at-will state?"

City Attorney Walsh stated, "Yes, it has always been."

Mayor Pro Tem Haire replied, "That doesn't make it right, I don't agree with South Carolina's position as it relates to at-will employment and it is grossly unfair to our employees and employees of the state."

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to approve the First Reading of an Ordinance ratifying at-will employment. This was a 4-1-1 vote as Mayor Pro Tem Haire and Councilmember Knotts abstained.

A motion was made by Councilmember Rheney, seconded by Councilmember Jernigan, to approve a Resolution adopting the City of Orangeburg/Department of Public Utilities Personnel Handbook. This was a 4-1-1 vote as Mayor Pro Tem Haire opposed and Councilmember Knotts abstained.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to enter into an Executive Session for a legal matter concerning amending the General Terms and Conditions of the Department of Public Utilities/Annexation. This motion was unanimously approved.

Council returned to Open Session.

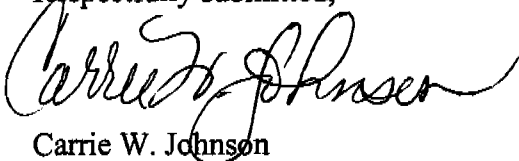
A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Knotts, to approve the First Reading of an Ordinance amending the General Terms and Conditions of the Department of Public Utilities. This motion was unanimously approved.

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to approve a Resolution placing a conditional moratorium on providing water and wastewater taps to premises located in the unincorporated areas of Orangeburg County. This motion was unanimously approved.

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

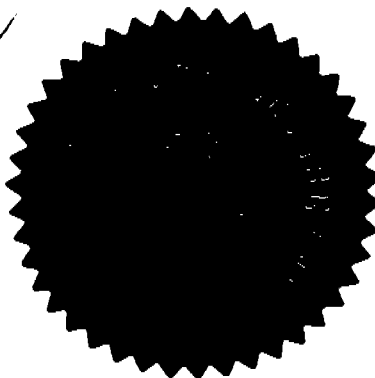
There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson  
City Clerk

/pfb



**A RESOLUTION TO ADOPT A REVISED PERSONNEL POLICY MANUAL  
OF THE CITY OF ORANGEBURG, SOUTH CAROLINA DATED MARCH 1, 2007**

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

**WHEREAS**, a Personnel Policy Manual was adopted by the City on July 19, 1988, and has been subsequently revised and amended on various occasions, and

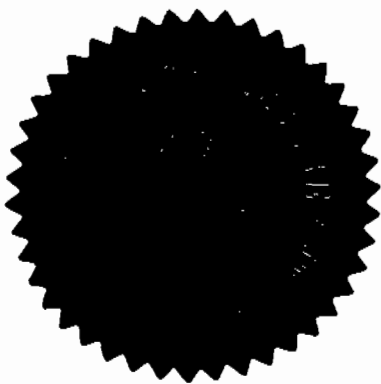
**WHEREAS**, a current revision has been made for the purpose of compliance with existing laws and regulations, and to provide clarity of contents,

**NOW, THEREFORE, BE IT RESOLVED BY COUNCIL DULY ASSEMBLED** that the City of Orangeburg does hereby adopt the revised Personnel Policy Manual dated March 1, 2007.

**BE IT FURTHER RESOLVED** that said revised Personnel Policy Manual shall be effective as of March 1, 2007.

**BE IT FURTHER RESOLVED** that the contents of said Personnel Policy Manual and this Resolution are not intended nor should they be interpreted to establish a contractual relationship of employment with any employee or to provide or create any property rights in employment; nor to induce reliance thereon by any employee. All employees shall continue to serve at the will and pleasure of the City. These guidelines are subject to change at any time and for any reason at the sole discretion of this Council.

**RESOLVED** by City Council duly assembled this 1<sup>st</sup> day of March, 2007.



*Paul A. Min*

Mayor

*Brenda P. Harris*  
*Charles B. Bennett*  
*Charles J. Langston*  
*Joseph W. Rhoney*

Members of Council

ATTEST: *Carrie H. Johnson*  
City Clerk

**RESOLUTION PLACING A CONDITIONAL MORATORIUM ON PROVIDING WATER  
AND WASTEWATER TAPS AND EXTENSIONS TO PREMISES LOCATED IN THE  
UNINCORPORATED AREAS OF ORANGEBURG COUNTY**

**WHEREAS**, the City of Orangeburg has adopted by first reading an ordinance governing the provision of water and wastewater taps and extensions to premises located in the unincorporated areas of Orangeburg County, and;

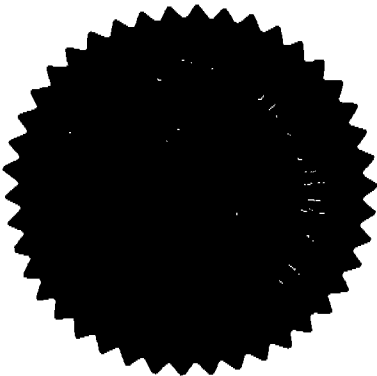
**WHEREAS**, the City of Orangeburg finds that it is in its best interest to not provide any said water and wastewater taps and extensions unless the owner or owners of said premises agree to comply with the pending ordinance referred to hereinabove,

**NOW THEREFORE BE IT RESOLVED BY COUNCIL DULY ASSEMBLED**, that pending the final passage of the above ordinance which was adopted on first reading on March 1, 2007 no water or wastewater taps or extensions shall be provided by the Department of Public Utilities to premises located in the unincorporated areas of Orangeburg County until the said ordinance is considered for third reading.

**BE IT FURTHER RESOLVED**, that said water or wastewater taps and extensions can be provided to premises located in the unincorporated areas of Orangeburg County if the owner or owners of said premises agree by annexation covenant to be annexed into the corporate limits of the City of Orangeburg.

**BE IT FURTHER RESOLVED**, that if a water or wastewater tap or extension is conditionally approved by the Department of Public Utilities for the City of Orangeburg in compliance with this Resolution and the above ordinance is not adopted and passed on the third reading, then, in such event, any required annexation covenant shall be null and void.

**DONE AND RATIFIED BY THE CITY OF ORANGEBURG, STATE OF SOUTH  
CAROLINA THIS 13 DAY OF MARCH, 2007.**



Mayor

*Paul G. Miller*  
*James Haire*  
*Angela R. Furtus*  
*Chayla B. Brundage*  
*Chris Jenkins*  
*Joyce W. Rhemay*

Members of Council

ATTEST:

*Carroll W. Johnson*

City Clerk



**CITY COUNCIL MINUTES**  
**March 6, 2007**

Orangeburg City Council held its regularly scheduled meeting on Tuesday, March 6, 2007, at 7:00 P.M., in Council Chambers with Mayor Miller presiding.

**PRESENT:**

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

**ABSENT:**

**Trelvis A. Miller**  
**(Present for Executive Session)**

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to approve the February 20, 2007, City Council Minutes as distributed. This motion was unanimously approved.

A motion was made by Councilmember Rheney, seconded by Councilmember Knotts, to approve the Third Reading of an Ordinance to authorize the reconveyance of a tract containing .66 acre to the Okonite Company for the purpose of the expansion of the Okonite facility located near Prosperity Drive. This motion was unanimously approved.

A motion was made by Councilmember Rheney, seconded by Councilmember Barnwell, to approve the Second Reading of an Ordinance ratifying at-will employment. This was a 5-1 vote as Mayor Pro Tem Haire opposed.

City Administrator John Yow overviewed the Second Reading of an Ordinance amending the General Terms and Conditions of the Department of Public Utilities .

Councilmember Barnwell ask City Administrator Yow, "It is my understanding this Ordinance applies to property that is contiguous only?"

City Administrator Yow replied, "No, the prior Ordinance passed by Council applies to contiguous property, this applies to all properties in the DPU service area that are in unincorporated areas."

Councilmember Barnwell asked, "Even though it may be five blocks away?"

Mayor Miller replied, "They do not have to be contiguous, it could be a mile away?"

City Administrator Yow stated, "This must be in place to join the City once their property or a group of properties become contiguous."

Councilmember Knotts asked, "If there is new construction at Ramsgate, they would have to have a covenant before they get a tap?"

Mayor Miller stated, "Yes, they can get the tap to get on the system, but once they become contiguous they are subject to annexation."

Councilmember Knotts asked City Attorney Walsh, "Is that legal?"

City Attorney Walsh replied, "Yes."

A motion was made by Councilmember Jernigan, seconded by Mayor Pro Tem Haire, to approve the Second Reading of an Ordinance amending the General Terms and Conditions of the Department of Public Utilities. This was a 5-1 vote as Councilmember Knotts opposed.

Ms. Tiffany Hunter accepted the March 2007, Character Trait Proclamation, "Cooperation".

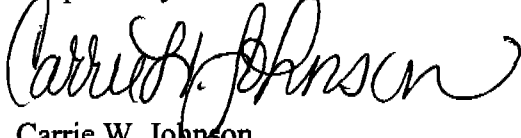
City Administrator Yow gave Council, for information only, a copy of the Fiscal Year 2007-08 Budget Calendar and asked for their review. Council is to notify City Administrator Yow of any conflicts.

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to approve a Resolution to accept the responsible low bid by Municipal Tank Coating and Sandblasting, Inc., of Rockingham, NC in the amount of \$478,500 for the repainting of four (4) elevated water tanks. This motion was unanimously approved.

A motion was made by Councilmember Rheney, seconded by Councilmember Jernigan, to enter into an Executive Session for a contractual matter concerning the Administration Department regarding donation of property to the City.

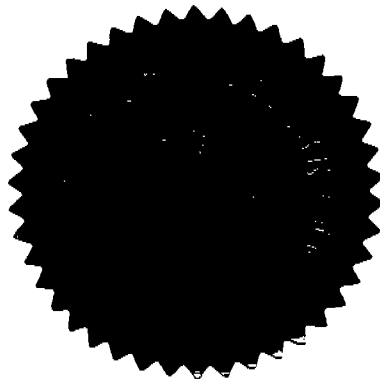
There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson  
City Clerk

/pfb





## RESOLUTION

**A RESOLUTION FOR THE CITY OF ORANGEBURG, DEPARTMENT OF PUBLIC UTILITIES TO ACCEPT THE LOW RESPONSIBLE BID BY MUNICIPAL TANK COATING AND SANDBLASTING, INC. OF ROCKINGHAM, NORTH CAROLINA IN THE AMOUNT OF \$478,500.00 FOR THE REPAINTING OF FOUR (4) ELEVATED WATER TANKS (SEAWRIGHT TANK / WHALEY TANK / DANTZLER TANK / WASHWATER TANK)**

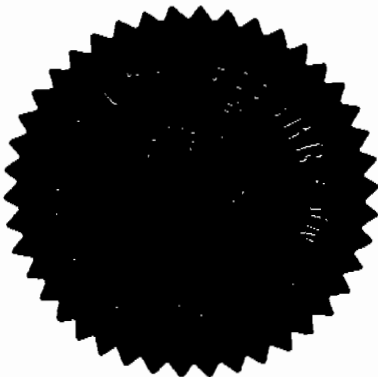
**WHEREAS**, the Department of Public Utilities of the City of Orangeburg, South Carolina, received bids on February 21, 2007 for the repainting of four (4) elevated water tanks (Seawright Tank / Whaley Tank / Dantzler Tank / Washwater Tank); and

**WHEREAS**, the low responsible bid for this work was submitted by Municipal Tank Coating of Rockingham, North Carolina in the amount of \$478,500.00; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Members of Council of the City of Orangeburg, in Council assembled, and by authority of the same, that the low responsible bid shown above be accepted; 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 6<sup>th</sup> day of March, 2007.



Sam G. Miller  
MAYOR

Edmund Hare  
Dandra P. Lott

Charles B. Brantley

Charles L. Ligon

Joyell Thorne

MEMBERS OF COUNCIL

ATTEST:  
Carrie W. Johnson  
CITY CLERK

**CITY COUNCIL MINUTES**  
**March 20, 2007**

1757

Orangeburg City Council held its regularly scheduled meeting on Tuesday, March 20, 2007, at 7:00 P.M., with Mayor Miller presiding.

**PRESENT:**

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

**ABSENT:**

Bernard Haire

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to approve the March 1, 2007, Special City Council Minutes. This motion was unanimously approved. Councilmember Miller was not present at the time of voting.

A motion was made by Councilmember Knotts, seconded by Councilmember Rheney, to approve the March 6, 2007, City Council Minutes. This motion was unanimously approved. Councilmember Miller was not present at the time of voting.

Mr. Greg Robinson, Director of the Orangeburg County Economic Development Commission, updated Council on the economic impact of 2006 for Orangeburg. He stated, "2006 was one of the best years we have had in a while and the cooperation between the City and the Department of Public Utilities is one of the factors. The Community of Character Trait for March is "Coooperation" and it is an important part of economic development and this month's trait is very fitting. One of the measurements of economic development is the number of prospect visits. Once a prospect actually visits and spends time and money, then it is validated as a serious prospect. In our Fiscal Year 2003-04, the County had fifty (50) visits from prospects, which is fantastic for a community of our size. That number has increased to sixty (60) visits in 2004-05 and to seventy-two (72) visits in 2005-06. For the calendar year of 2006, there was a record number of ninety-three (93) visits or a visit at least twice a week and that is a leading rate of the region. Orangeburg's outlook is excellent, two speculative buildings are coming and the County and City are looking at the possibility of an Aviation Park at the Airport."

Mayor Miller stated, "We look forward to seeing some of the folks get on board and come to Orangeburg and the City, it is good for business."

A motion was made by Councilmember Miller, seconded by Councilmember Knotts, to postpone the Third Reading of an Ordinance ratifying At-Will Employment. This motion was unanimously approved.

City Administrator Yow addressed the Ordinance to amend the Terms and Conditions of the Department of Public Utilities. Language was added to clarify the Ordinance and covenants should property be subdivided.

A motion was made by Councilmember Rheney, seconded by Councilmember Miller, to approve the Third Reading of an Ordinance amending the General Terms and Conditions of the Department of Public Utilities. This was a 5-1 vote as Councilmember Knotts opposed.

There were no utility matters brought before Council.

A motion was made by Councilmember Barnwell, seconded by Councilmember Miller, to enter into an Executive Session for a contractual matter concerning the sale of real property, old First National Bank Building and the purchase of real property concerning the Parks and Recreation Department. This motion was unanimously approved.

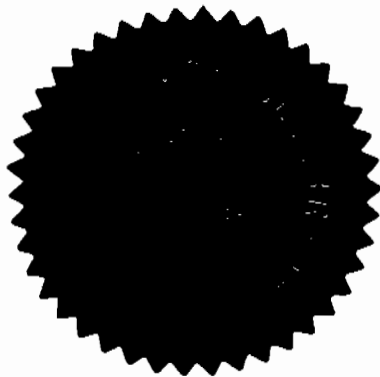
There being no further business, the meeting was adjourned.

Respectfully submitted,

*Carrie W. Johnson*

Carrie W. Johnson  
City Clerk

/pfb



**CITY COUNCIL MINUTES**  
**April 3, 2007**

Orangeburg City Council held its regularly scheduled meeting on Tuesday, April 3, 2007, at 7:00 P.M., with Mayor Miller presiding.

**PRESENT:**

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

**ABSENT:**

Trelvis A. Miller

Department of Public Safety Director introduced the Issues and Diversity Class from Claflin University.

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to approve the March 20, 2007, City Council Minutes. This was a 5-0-1 vote as Mayor Pro Tem Haire abstained as he was not present at the meeting.

Mayor Pro Tem Haire stated, "I appreciate Mayor and Council passing over the At-Will Employment Ordinance at the last Council meeting. I still have the objection that I voiced at the initial meeting in that it gives too much weight as it relates to management. The scale is tilted too much toward management rather than employee. I thought the other system that we had was an ideal system that would not infringe on the rights of the employees. I have always been against the idea of an individual or the City having the authority of terminating someone and not really having the reason for the termination and this is what I term "At-Will Employment" which will allow the termination of the individual without just reason. Therefore, I am going to once again cast a vote against this Ordinance because I think it is unfair to the employees. I think the scale could be balanced a little better than this particular Ordinance."

Councilmember Barnwell asked City Administrator Yow, "Isn't this essentially what we have in place now?"

City Administrator Yow responded, "Yes, we have At-Will Employment in the state and the prior discussion on the personnel handbook addressed this."

A motion was made by Councilmember Jernigan, seconded by Councilmember Rheney, to approve the Third Reading of an Ordinance ratifying the At-Will Employment Policy for the City of Orangeburg and amending Section 2-11 of the Code of Ordinances of the City of Orangeburg. This was a 5-1 vote as Mayor Pro Tem Haire opposed.

Ms. Faye Menefee accepted the Character Trait Proclamation "Cleanliness" for the Month of April, 2007.

Ms. Glenda Lewis accepted the Proclamation for Soil and Water Stewardship Week, which is April 29 through May 6, 2007.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Knotts, to appoint Ms. Shane Sellers of Jameson Inn to the City Accommodations Tax Advisory Committee for the lodging sector. City Administrator Yow reminded Council that an additional vacancy from the lodging sector still exists. This is a four year term that will end on March 15, 2010 (note: position has been vacant since March 15, 2006). This motion was unanimously approved.

Page 2

City Administrator Yow overviewed the renovations on the old Fire Station, (new Council Building) and the design work involved for the audience. The architect, Mr. West Summers, was introduced and City Administrator Yow explained the historic significance of the building. City Administrator Yow also reviewed the bid tabulations and the reductions from the original low bid of \$766,200 to \$718,321.

A motion was made by Councilmember Rheney, seconded by Mayor Pro Tem Haire, to approve the award of contract to Lyn-Rich Contracting Company, Inc., for renovations on the old Fire Station #1 (new Council Building) in the amount of \$718,321. This motion was unanimously approved.

There were no utility matters brought before Council.

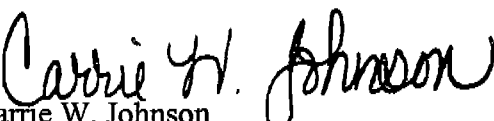
A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to enter into an Executive Session for a legal matter concerning Telecommunications Franchise and a personnel matter concerning the Parks and Recreation Department.

Council returned to Open Session.

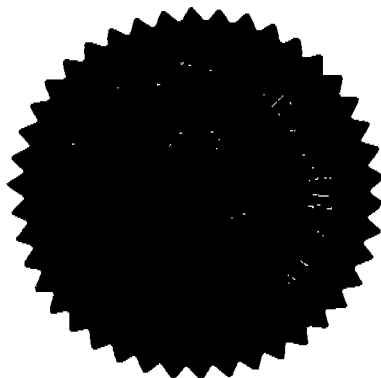
A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to recommend to uphold the City Grievance Committee's findings and suspend without pay, Mr. Stanley Smith from February 16, 2007, through April 5, 2007, and that he be reemployed and transferred to another department of the City at the same pay level and that he also receive counseling as approved by the City Administrator. This was a 5-1 vote as Councilmember Jernigan opposed.

There being no further business, the meeting was adjourned.

Respectfully submitted,

  
Carrie W. Johnson  
City Clerk

/pfb



**CITY COUNCIL MINUTES**  
**April 17, 2007**

Orangeburg City Council held its regularly scheduled meeting on Tuesday, April 17, 2007, at 7:00 P.M. with Mayor Miller presiding.

**PRESENT:**

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

**ABSENT:**

**Sandra P. Knotts**

Mayor Miller extended an invitation to anyone that wanted to come to Centennial Park to visit with a group of visitors from Germany, most from Ham, Germany, which is a sister City of Newberry. They are going on a tour of the Gardens, Ecka-Granules and the Development Commission.

A motion was made by Councilmember Barnwell, second by Councilmember Jernigan, to approve the April 3, 2007, City Council Minutes. This was a 5-0 vote as Councilmembers Miller and Knotts were not present at this time.

Mr. Francis Dorsey of 2090 Loblolly Street, Orangeburg, made an appearance before Council. He stated, "I have lived at 2090 Loblolly Street since 1998 and I did not receive my tax bill for the City as expected. The bills generally come out in December and I got the rest of them but didn't get the City tax bill and I do rely on my statements. I kept looking for it but didn't get it. I received it approximately 2 weeks ago and came to see Mr. Yow on April 4th. When I received it, it stated it was delinquent and I came down and paid what was due officially, which was \$299.80, but not pay the penalty. I solely believe that I did not receive it and I did not overlook it or lost it, I just didn't receive it. I felt that on this status I was asking for Council to hear me and its not because I don't have the money and I always pay my taxes on time. If I had received it, I would have paid it, probably no excuse for not paying as we all been paying taxes that are due by January 1st. I assumed that there was a different mailing day. I did, however, take my money down the day after I received it so I feel that I paid it on time. I am asking for you to consider what I have said and hope that you ladies and gentleman understand where I am coming from, not that I am trying to renig on the City and my portion of taxes. I pay my portion of taxes, however, I do rely on my statements. Please excuse my language, but I'm still kind of upset about it and I am not trying to get out of paying my taxes."

Councilmember Miller ask, "Is this the only piece of property you own in the City of Orangeburg?" Mr. Dorsey stated, "This is the only piece I own in the City."

Mayor Miller stated "Since he has stayed there since 1998 he should expect to receive a tax bill in late November or early December and it would be due by the middle of January or penalties would apply."

Mr. Dorsey stated, "That he never thought about penalties because he has never had to pay any."

Mayor Miller stated, "I understand, but if Mr. Dorsey would have looked at his previous bills he would see that he had until the middle of January to pay without a penalty. My question is why didn't you call down to the City and see if they were late mailing them out and this would have been avoided."



Mr. Dorsey stated, "I agree, but I always received it and even my tax lady asked where my tax bill was. I told her I didn't have it, that I didn't get it. I could have done a lot of things, but I didn't and this is why I am here asking if I have to pay the penalty since I did not get a bill. I'm just asking Council to consider this since there is a possibility that I didn't get the bill."

Mayor Miller stated, "Citizens that have property know that their bills are coming and if they don't receive the bill, then the thing to do is to call."

Mr. Dorsey stated, "I should have made the phone call."

Councilmember Barnwell asked, "Mr. Dorsey, when did you file your taxes and when the tax lady ask for your bill, didn't that raise any suspension?"

Councilmember Jernigan asked, "Didn't the lady that does your taxes question why you didn't have any city taxes on your tax return."

Mr. Dorsey stated, "I told her I didn't have it and I didn't get it."

Councilmember Jernigan asked again, "When was this?"

Mr. Dorsey stated, "In February."

Mayor Miller asked, "Mr. Dorsey, what would you do if he didn't get a DPU bill every month? Would you wait until you got a cut-off notice?"

Mr. Dorsey stated, "They probably would send me a second notice like the City did. I pay from my statements."

Mr. Yow stated, "The City is holding his check in agreement with Mr. Dorsey until Council had a chance to hear the case and make a decision."

Councilmember Rheney asked, "Mr. Dorsey was speaking of a difference of \$44.77."

Mr. Dorsey stated, "It is not about the money, but I just feel I should not have to pay since I didn't get it."

Mayor Miller asked Council if anyone wanted to make a motion to excuse the penalties. No one made a motion and Mayor Miller told Mr. Dorsey that he was going to have to pay the penalties since no one wants to make the motion to excuse. Mayor Miller stated he was sorry, but in the future to be sure to anticipate the tax bill and if not received, please call.

City Administrator Yow stated that he and Attorney Walsh will handle agenda item #3 together.

City Administrator Yow stated, "The City was contacted by an attorney representing ACO Distribution and Warehousing, Inc, which is a company that purchased the old Greenwood Mills property. They were approaching the County and asking the County to abandon maintenance on the road that goes into their facility and to approve a partial closing of that road. They wanted a Quitclaim from the City dissolving an interest that we had in the property. I contacted Mr. Boatwright and made him aware of this and we both have discussed this with Attorney Walsh and we did exercise the Quitclaim."

City Administrator Yow asked Attorney Walsh to explain further.

Attorney Walsh stated, "This road leads from Highway 21 to the property and was originally put into the highway system. The speculation was when Greenwood Mills first bought the land that the County and state would pave the road as an incentive and this is how it got into the highway system. The current owner was to take it out of the highway system and the County has agreed to maintain the road up to the property line, which would be from Highway 21 to the entrance of the facility. In addition, they wanted the County and City to Quitclaim their rights to the road and agree that if they

ever wanted to go through a legal proceeding to close the road that the City would not object to the closing. I have reviewed it and really do not think that we have any interest in the road because we do not have property that actually adjoins the road itself. The only concern was in case of emergency that we would have to go through this property to get to Highway 21 from our property that is located on the backside of Greenwood Mills. We agreed to sign the documents on the condition that they would give us, in writing, a consent that we would have a license in case of emergency to cross their property to obtain access to ours from Highway 21. This license would bind the current property owner and any future property owners."

Mayor Pro Tem Haire asked, "Does this also state that we can use this road to get from Highway 21 to our property."

City Administrator Yow stated, "Correct."

Councilmember Rheney asked, "Who is going to maintain the road if it is closed?"

Attorney Walsh stated, "The County will."

Councilmember Barnwell asked, "How do we had any interest in the road?"

Attorney Walsh stated, "I don't think we do. There may have been some discussion previously about an emergency exit, but nothing written."

Mayor Miller asked, "Does the airport property border that property?"

City Administrator Yow stated, "Yes, on the back part."

A motion was made by Mayor Pro Tem Haire, second Councilmember Rheney, to approve a Resolution authorizing the execution of road maintenance and the partial closing agreement and Quitclaim Deed in exchange for a license agreement on, over and across property, owned by ACO Distribution and Warehousing, Inc. This motion was unanimously approved with a 6-0 vote.

City Administrator Yow stated, "I want to vary from the agenda slightly. I would like to introduce Steven Jarvis, Human Resources Officer, starting work on April 23, 2007. I am excited to have Steven and our new Assistant City Administrator, Kevin on board. Also, we were notified Friday from Community Development Branch of the Commerce Department that we needed to do something by the end of this month signifying our position on fair housing. Basically, a Resolution has been done in the past which puts into writing Council desire to have safe and fair and affordable housing for our citizens."

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to approve a Resolution approving April 2007, as Fair Housing Month in the City of Orangeburg. This motion was unanimously approved.

City Administrator Yow stated, "At a prior meeting you were asked to approve a name to the appointment of the Accommodations Tax Advisory Committee which City Council did. Mr. Gary Patel from Town Terrace Inn has agreed to serve on this committee to fill the final lodging sector vacancy."

A motion was made by Councilmember Jernigan, second by Councilmember Rheney, to approve the nomination of Mr. Gary Patel from Town Terrace Inn to serve on the City's Accommodations Tax Advisory Committee. This motion was unanimously approved.

City Administrator Yow stated, "The Election Commission's appointment is next and Ms. Ellen Robinson Ricoma's term expired March 31<sup>st</sup>.. Does Council want any action taken tonight or at a future meeting."

Mayor Pro Tem Haire stated, "If there is no objection, I would like to move that Ms. Robinson Ricoma be reappointed."

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, approving the reappointment of Ellen Robinson Ricoma to the City's Election Commission. This is a six year term expiring March 31, 2013. This motion was unanimously approved.

City Administrator Yow stated, "The proposed award to AOS for the downtown streetscape is in the amount of \$1,801,507.50. There will be two phases on this project. One phase is from Courthouse Square on Middleton to Amelia Street. We did the town square when we did the main part of Russell, but there are still parts of Middleton that have not been done. The Middleton and Amelia Street intersection is the one that was discussed at the last Planning Session and Council did say that they wanted to see it included in the project. The additional phase is from Windsor, in front of DPU down to the portion that was completed in front of the Gardens. This is the part they will start first and then will come back and complete Middleton. They will not be allowed to start that intersection until Russell at Windsor to Elmwood is substantially complete for traffic flow purposes."

Councilmember Barnwell asked, "Is there enough room to do anything since there are buildings on both sides?"

City Administrator Yow stated, "Yes, but this is why it was brought before Council first at the Planning Session, it will be very tight. There has been a lot of discussion on this with DPU and Mr. Bowden."

Councilmember Barnwell stated, "From what I am being shown, I just don't see how you can do this."

City Administrator Yow stated, "It is very tight, but you can do it. It will not be an easy project but it has been discussed many times."

City Administrator Yow stated, "It included milling the pavement and laying new pavement, striping, landscape areas, new sidewalks and brick and Council also wanted to continue the granite curbing. Thanks to DPU it also includes utility work, which BellSouth and Time Warner are also a part of. It also includes moving utility lines, either relocating or putting them underground with decorative lamp post. The trees will be the same red maple and sabal palms and bald cypress. Included in your packets are the bid tabulation sheets and we receive nine bids with a wide range and four bids being in the \$1.8 million range. All bids have been reviewed for accuracy."

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Jernigan, to accept the award of contract for the Downtown Streetscape Project to AOS in the amount of \$1,801,507.50. This motion was unanimously approved.

Concerning Item #5, approval of bid to Amick Equipment for street sweeper, Service Department Director Brant stated, "I had two companies demonstrate the sweeper to me. I then sent out specifications and requested bids. I only received one bid and that was from Amick Equipment Company in Lexington SC. The machine they have, I am very pleased with it and it does a good job. The City has had several good years with equipment and service from Amick in the past and they are a local vendor. If you buy out of state and you need parts or service then you must go out of state to get it. Budgeted amount was \$145,000 and the bid on this sweeper came in at \$129,325."

Mayor Pro Tem Haire asked, "Is this sweeper comparable to the ones we have had about two cycles ago, the old one cleaned out drains. Will this one do that?"

Mr. Brant stated, "The only difference is that the new sweeper, a regenerative air sweeper, is much better than the vacuum sweeper and the parts to repair a vacuum sweeper are very expensive and they have to come from California and Canada. The regenerative air sweeper is a forced air sweeper that has a hood under it that is 97 inches wide and forces air down to pick up the trash. Also, we did order the catch basin with this sweeper. This new sweeper will work better in the downtown streetscape area."

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Mayor Pro Tem Haire asked, "Will we have two back ups or just one back up with the old sweepers."

Mr. Brant answered, "Only one backup. We are keeping the 2000 sweeper and getting rid of the 1990 one."

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to approve the purchase of a street sweeper from Amick Equipment in the amount of \$129,325. This motion was unanimously approved.

Concerning the Department of Public Utilities matters, DPU Manager Mr. Fred Boatwright stated, "I am seeking approval of a Resolution to raise the electric rates. DPU is very proud of the lowest rates in the State of South Carolina. There has not been an increase since 2001. In January, DPU had a study with Black and Veatch to see the revenue requirements of the Department. The goal was to increase the revenue to meet the current cost and to return the earnings to the 04/05 earnings level. There are two major things that are driving the rate increase. First the electric purchase contract and this contract, which began in 2001, was set to expire on April 30, 2007. In 2005, we extended that contract with SCE&G for an additional two years until April 30, 2009. Part of the extension was to have a 4% increase, effective May 1, 2007. The second driver is the increased cost in doing business since 2001. Inflation is up over 17%. Also, supplies have gone up over 17%, such as copper wire which has gone up over 280% and the cost of utility poles have gone up 24% since 2001. Also, the cost of wages and benefits have gone up at least 17% to match inflation. The rate increase proposal is an 8% rate increase for residential customers, which amounts to a \$5.97 increase per month and medium to large commercial customers, their increase will be 8.03%. DPU knows that no one likes a rate increase, but in time businesses have to increase to operate. Even with these increases, DPU will still be the lowest provider in the state. It is important to state that in the last fifteen years, DPU has had three rate reductions, one in 1992, 1995 and 1998. The increase will allow DPU to continue to meet its goals of providing the best possible service at the very lowest rates."

Councilmember Barnwell asked, "Is the 4% to be effective May 1, 2007, was included in the proposed 8% increase."

Manager Boatwright stated, "If the 8% is not passed, the 4% will still be passed May 1, 2007."

Councilmember Jernigan stated, "Everyone knows that you have to pay more for everything that you do in this day. DPU does a great job and to stay on the cutting edge and to provide the services that are expected, I see no problem with the increase. I think it is a small increase compared to the other increase we have had on different things in life."

Manager Boatwright stated, "We do the best we can and it is because of the support of our Council. There are two reasons rates have been low, one was due to trying to keep cost low and the other is that Council has allowed DPU to invest in new technology to improve the efficiency."

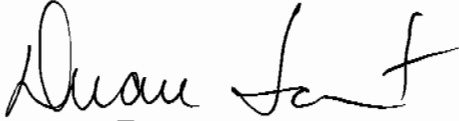
Councilmember Miller stated, "I have concerns based on inflation and the average citizen is not getting the minimum wage of \$7.15 yet, that's not approved. At this point, the additional 4%, since the original 4% is going to be passed regardless, is tough for me to support based on the minimum wage not being passed as of yet. Once everyone has caught up with the increase in gas prices and etc, then that might be the most appropriate time to continue the efforts, but at this point in time, I cannot support it."

A motion was made by Councilmember Jernigan, seconded by Mayor Miller, to approve the First Reading of an Ordinance to adopt all new rates pertaining to electricity for the Department of Public Utilities for the City of Orangeburg. This was a 4-2 vote with Councilmembers Barnwell and Miller opposing.

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

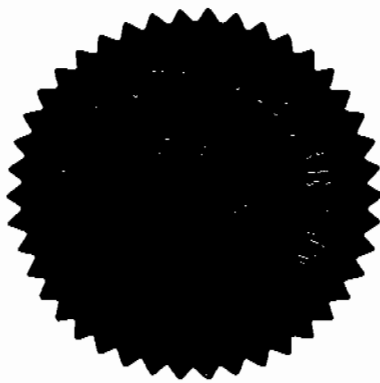
There being no further business, the meeting was adjourned.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Duane Tarrant".

Duane Tarrant  
Assistant City Clerk

/pfb





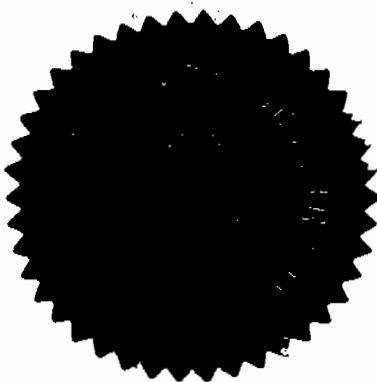
## RESOLUTION

- WHEREAS,** the City of Orangeburg desires that all its citizens be afforded the opportunity to attain a decent, safe, and sound living environment; and,
- WHEREAS,** the City of Orangeburg rejects discrimination on the basis of race, religion, color, sex, national origin, disability and/or familial status in the sale, rental or provision of other housing services; and,
- WHEREAS,** the State of South Carolina enacted the South Carolina Fair Housing Law in 1989; and,
- WHEREAS,** April is recognized nationally as Fair Housing Month.

**NOW, THEREFORE, BE IT RESOLVED,** that the Mayor and Council, in Council assembled, do officially recognize April as Fair Housing Month.

**BE IT FURTHER RESOLVED,** that a copy of this Resolution be placed in the Minute Book of the City in recognition of South Carolina Fair Housing Month.

**Passed By** the City Council of the City of Orangeburg, State of South Carolina, this 17<sup>th</sup> day of April 2007.



*Larry Miller*  
\_\_\_\_\_  
Mayor

*Sam Harris*  
\_\_\_\_\_  
*Charles B. Bennett*  
\_\_\_\_\_  
*Travis D. Miller*  
\_\_\_\_\_  
*Chuck Dugan*  
\_\_\_\_\_  
*Jay D. Cherry*  
\_\_\_\_\_

Members of Council

ATTEST: *Deane Sant*  
\_\_\_\_\_  
City Clerk

**A RESOLUTION AUTHORIZING THE EXECUTION OF ROAD MAINTENANCE AND PARTIAL CLOSING AGREEMENT AND QUITCLAIM DEED IN EXCHANGE FOR A LICENSE AGREEMENT ON, OVER AND ACROSS PROPERTY OWNED BY ACO DISTRIBUTION & WAREHOUSING, INC.**

**WHEREAS**, ACO Distribution & Warehousing, Inc. requested the City of Orangeburg to release any right, title and interest in and to S. C. Highway S-38-1380 and its two spurs and to also consent to the closing thereof, and

**WHEREAS**, in exchange for the above ACO Distribution & Warehousing, Inc has agreed to grant to the City of Orangeburg a non-exclusive license agreement permitting emergency access across its property as described hereinbelow.

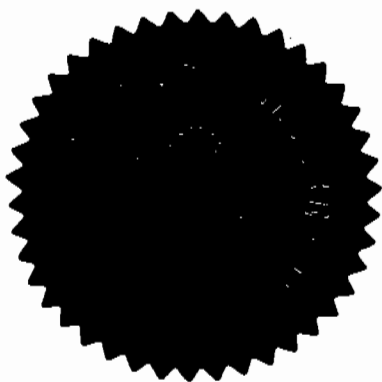
**NOW BE IT RESOLVED BY COUNCIL DULY ASSEMBLED** that it finds that it is in the best interest of the City to release all of its right, title and interest in and to S.C. Highway S-38-1380 and its spurs in consideration of a grant to the City of a License Agreement from ACO Distribution & Warehousing, Inc.

**BE IT FURTHER RESOLVED** that Paul A. Miller, Mayor of the City of Orangeburg is authorized to execute a Road Maintenance and Partial Closing Agreement between ACO Distribution & Warehousing, Inc, Orangeburg County, South Carolina and the City of Orangeburg and a Quitclaim Deed between the same parties releasing all right, title and interest in and to S. C. Highway S-38-1380 and its two spurs in exchange for the granting of a License Agreement from AOC Distribution & Warehousing, Inc. which is attached hereto and made a part hereof by reference.

**Description of Property:**

All those certain pieces, parcels or tracts of land, situate, lying and being in the County of Orangeburg, State of South Carolina. being shown and designated as Tract "A", containing 5.08 acres, and Tract "B", containing 162.8, acres according to a plat of survey entitled "Plat of Survey for ACO Distributing & Warehousing Incorporated" prepared by Donald J. Smith, Jr., Inc., dated September 21, 2006, last revised April 3, 2007 and recorded in the Office of the Register of Deeds for Orangeburg County, South Carolina, in Plat Book 56D at page 10, and having such metes and bounds as appear more fully thereon, with all measurements being a little more or less.

**RESOLVED** by City Council duly assembled this 17 day of April, 2007.



Paul A. Miller  
Mayor

Brian Haire  
Charles B. Bennett  
Julius A. Miller  
Bob [unclear]  
Joseph W. Khenev

Members of Council

ATTEST: [Signature]

City Clerk

**CITY COUNCIL MINUTES**  
**May 1, 2007**

Orangeburg City Council held its regularly scheduled meeting on Tuesday, May 1, 2007, at 7:00 P.M., in Council Chambers with Mayor Miller presiding.

**PRESENT:**

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

**ABSENT:**

**Trelvis A. Miller**

Councilmember Barnwell stated he wanted to make a comment, "Although we had no control over it, I was a little disappointed that NBC did not see fit to give the City of Orangeburg, especially Edisto Gardens and the downtown revitalization some publicity, other than that, I thought the Democratic Presidential Debate was a great event."

A Public Hearing was opened for comments on the proposed electric rates for the Department of Public Utilities.

Hearing no comments, the Public Hearing was closed.

A motion was made by Councilmember Jernigan, seconded by Mayor Pro Tem Haire, to approve the April 17, 2007, City Council Minutes as distributed. This was a 5-0-1 vote as Councilmember Knotts abstained, as she was not present at the meeting.

Mr. David Coleman, Executive Director of the Orangeburg County Chamber of Commerce, addressed Council concerning the upcoming Festival of Roses and what has been going on in Orangeburg and in Orangeburg County.

He stated, "I would like to address the comment by Councilmember Barnwell. On Thursday morning of the Debate, I went online and viewed a film clip by NBC and they showed sights of Orangeburg, showing buildings on Highway 601 that were out of business, then it went on to show a tractor in a field and a road that was paved with no white center line. I feel these things were done before they came to Orangeburg. They went on to say "tiny" in respect to Orangeburg and that Orangeburg is in the middle of nowhere. I went online to view media across the state and some media outlets across the state, stated Orangeburg was ready, Orangeburg was up to the challenge and I think that was good. I saw several comments like that and I also saw a local station where they interviewed Brian Williams and he stated that it was good to have a Debate in a middle class town where regular people live. It was good to see a lot of planes and rental cars at South Carolina State University and it was time to spread the wealth." Mr. Coleman further commented on how the Debate was a wonderful event for SCSU and the community.

Mr. Coleman presented Mayor and Council with a commemorative stamp for the Orangeburg Festival of Roses and also presented to Mayor Miller and City Administrator Yow a framed set. He further stated his appreciation for the City and praised the City for its efforts.

Mr. Marion Lloyd accepted the Proclamation Trait "Caring" for the month of May, 2007.

Item number 4 on the agenda, appointment to Planning Commission, District #6, was postponed to a later date.



## Page 2

Parks & Recreation Director Marion Smith, presented to Council the bids for the reconstruction of the Albergotti Tennis Courts. He further outlined the bids and stated that a \$50,000 donation was received for the completion of the project and a PARD Grant was applied for in the amount of \$15,000 but no word has been received on the grant as of the meeting. Mr. Smith made the recommendation that the low bid from J. L. Myers Paving of Bamberg in the amount of \$53,584 be accepted and a contract executed by the City Administrator.

Councilmember Barnwell asked, "Have we had any experience with this contractor concerning tennis courts?"

Mr. Smith replied, "They offered names of jobs that they have done and we have checked with those owners and they have also been a subcontractor with another tennis court contractors and have been very successful."

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the award of contract for reconstruction of tennis courts at Albergotti Playground in the amount of \$53,584 to J. L. Myers Paving. This motion was unanimously approved.

City Administrator Yow addressed Council regarding the full disclosure of the Federal Grant application for the Facade Grant for 1150 Russell Street by Bernice and Don Tribble. City Administrator Yow stated, "Due to Mr. Don Tribble being on the Planning Commission and Mrs. Tribble being the Executive Director of DORA, I wanted to do a full disclosure on this to avoid any questions or conflict on interest. I would like to say that neither Mr. or Mrs. Tribble are members of Facade Oversight Committee."

Councilmember Barnwell stated, "Doesn't the City of Orangeburg make a contribution to DORA and also make a contribution to the Community of Character program?"

City Administrator Yow stated, "Yes."

Councilmember Barnwell stated, "I can't support this."

Councilmember Rheney stated, "I think it is wonderful that someone would buy a building and restore it for downtown and I applaud them for this action."

City Administrator Yow stated, "This is not open for action, but is certainly open for comments and suggestions."

Mayor Pro Tem Haire stated, "I echo what Councilmember Rheney stated and I support it."

DPU Manager Fred Boatwright addressed Council in regards to the Second Reading of an Ordinance to adopt all new rates pertaining to electricity.

Councilmember Barnwell stated, "I would like to thank Mr. Boatwright and for him spending some time with me to go over FY 2005 as compared to FY 2006 Budget. I first had some reservations on this and voted against it on the First Reading. After meeting with Mr. Boatwright and making a complete examination of this, I certainly see the need for the additional 4% rate increase, due to the apparent increase in the cost of poles and various other things. Between 2005 and 2006, I see we decreased \$8 million dollars, although not an actual deficit, and I appreciate Mr. Boatwright's help with this."

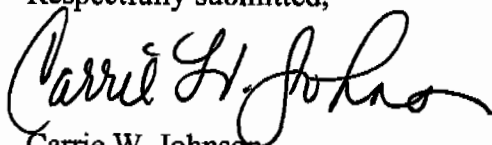
A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the Second Reading of an Ordinance to adopt all new rates pertaining to electricity for the Department of Public Utilities. This motion was unanimously approved.

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A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to enter into an Executive Session for the sale of real property concerning the Administrative Department.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson  
City Clerk

/pfb



## **CITY COUNCIL MINUTES**

### **May 15, 2007**

Orangeburg City Council held its regularly scheduled meeting on Tuesday, May 15, 2007, at 7:00 P.M., in Council Chambers with Mayor Miller presiding.

**PRESENT:**

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

**ABSENT:**

**Trelvis A. Miller**

Boy Scouts from Troop 45, along with Dr. David Hutto, Assistant Scout Master, were recognized as working on their citizenship badge.

Mayor Miller announced the annual Public Safety Memorial service Friday, May 18th on the Downtown Plaza and in case of rain, it would be held in Stevenson Auditorium.

Councilmember Rheney announced that DORA is sponsoring a concert on Tuesday, June 12, 2007, at 7:00 P.M., at the Stevenson Auditorium featuring Bill Pinkney and the Drifters and asked for support.

A motion was made by Councilmember Jernigan, seconded by Councilmember Rheney, to approve the May 1, 2007, City Council minutes as distributed. This motion was unanimously approved.

Mayor Pro Haire addressed Council. He stated, "What I want to say tonight comes after considerable thought and consideration. My grandparents have often told me that you must think about what you say before you say it. Since the May 1st meeting, I have had the opportunity to think about it. At our May 1<sup>st</sup> meeting, there were statements made that were troubling to me. In fact, the Director of the Chamber of Commerce made the statement that after he had seen Wendell at the Debate that he was fine, he was ok, he was at ease. For an individual who represents or promotes the County of Orangeburg, that statement shouldn't have been uttered. I find it to be rather bad. There was another statement that was made as it relates to a neighboring County. In essence, because of what was depicted on television, this could not be from Orangeburg County. I think the person who is in that position needs to represent Orangeburg and do a better job of representing in Orangeburg. We have to work with our neighboring counties and as it relates to statements made about South Carolina State, I fail to see how this individual can and will promote anything favorable as it relates to South Carolina as he harbors these kinds of thoughts. Therefore, I am asking the Director of the Chamber of Commerce to tender his resignation because of the thoughts and position he harbors."

Mayor Miller and DPU Manager Boatwright presented Mr. Richard L. Goodwin a Resolution and gold watch for his thirty-three years, two months and twenty-four days of service with the Department of Public Utilities, Electric Division. Mr. Goodwin retired on March 23, 2007. Mr. Goodwin's wife and several family members were present, as was Mr. John Bagwell, Electric Utility Director.

SC Legislative District 95 Representative, Jerry Govan addressed Council. He also passed out copies of the SC Legislative Manual to Council. He stated, "My purpose here tonight is basically three-fold. One to give you an update and report of the General Assembly, (2) to share some concerns and (3) to seek your cooperation and support in chartering what I believe is a course and direction that will take this and future generations of citizens to the next level for our great City and County of Orangeburg. It is a rare occasion that I get to address you. As I see it, we are all servants of the people. We are elected by some of those same citizens that elected you, elected me and we share a common bond. Public service is an honor not to be taken lightly."

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Representative Govan updated Council on legislation currently before the General Assembly such as, wireless communication, local spending caps, smoking ban, joint water and sewer authority and workmen's compensation.

Representative Govan speaking as a John Q. citizen addressed the proposed electric rate increase. "If there was any way possible in this difficult time, with gas prices nearing \$3 a gallon, and we're still reeling from an economy that is anemic after Hurricane Katrina, that we could consider ways to reduce the impact on citizens especially those outside the city limits.

Finally, I wanted to talk about chartering a course for the future. I stand before you, here tonight, as a fellow elected official. I was going through and found an article in the Times and Democrat dated February 11, 1995, "What is right with Orangeburg, let us count the things". At that time, we were going through a period where we were talking about all the negative things in Orangeburg and finally we were talking about what is right about us. I think that was one of the greater moments in terms for this area, City and County, because we started talking about not only what brought us together, but also how we could build upon the positives to move Orangeburg to the next level. It made me think back to a date in 1995, because of visionary leadership at that time, the former County Councilman John Rickenbacker and others, came together and we wanted to form a partnership between the City and County of Orangeburg and the rest is history. We saw unchartered growth that we have not seen before. I can remember the road the County Legislative Delegation paved. Here we have another window of opportunity, if you think about what has happened in Orangeburg since April 26. When you think about the level of cooperation and what transpired that prepared Orangeburg for the center stage of the world. That was a defining moment. I submit to you that we will perhaps never have that chance again for all things to come together to create a moment like that. I come to you tonight to ask and solicit your cooperation to see where we can seek common ground and I am going to take this same message to County Council, our Universities, Chamber of Commerce, and Economic Development Commission and to our press to see where we can dialog and see if we can create the synergy just as we did in 1995, to see where to go from here and to see how we can build on the momentum that has been created as a result of the Presidential Debates and the follow-up visits from other presidential candidates. These events benefit us regardless of whether we live in or out of Orangeburg, our religion, color of our skin, young or old, because this lays the foundation of our future. God has blessed us with this Presidential Debate. What I am suggesting to you is that we find ways to reach across turf and barriers not only for ourselves but our children. I propose we convene another summit to bring together both parties, County and City, to see how we can work together to take Orangeburg to the next level. I believe the time is right, the needs are great and the reasons are compelling."

Mayor Miller responded and stated, "Thank you for your comments and thank you for bringing us this book. I concur with some of those comments you made particularly concerning the announcement at South Carolina State. When we met with the Democratic Party, I was there with Representative Clyburn, and Dr. Hugine and the announcement was made that the Debate was coming to Orangeburg. I certainly think that you would have to have been under a rock to not know where Orangeburg, South Carolina was because we certainly received publicity that we couldn't have purchased. It was a milestone event and I want to say there has been much said in the paper about it and I have heard hardly anything negative about the whole Debate that took place. It was well done, put together good and showcased well. The media did us a good job in promoting Orangeburg with the interviews and those events. On Saturday, we had the privilege to have presidential hopeful, Hillary Clinton, to address the Claflin graduates and there were some 4,100 people there. We didn't have the national media focus, but we did have someone who was the former First Lady of the United States and she told me she'd come back, so it has been a great day for Orangeburg. I do remember the economic summit that John Rickenbacker called for and I think it was an opportunity for us to wake up the sleeping giant, as he so called it. I think we have made great strides in the City and County as they have come together and built this Class A Industrial Park at the intersection of Highway 301 and I-26 and it has been an absolute success story from the first tenant, which was Allied Air to the last tenant and we will have more coming. We were recognized by the Municipal Association of South Carolina as the City and County coming together and working on a project. It has been a win-win for everybody. I think I speak for my Council that we want to continue these relationships and partnerships. I applaud you for looking out for our interests in Columbia, as this

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deal on the spending cap, it wouldn't only hurt Orangeburg, but it will hurt all cities in the state if we can't have a say so in how we need to raise our millage to cover our budgets.

Worker's compensation has gone out of the roof and it is difficult to keep up with that spiraling cost as it continues to rise. It is my desire for us to continue to expand the City of Orangeburg. I have had nothing but positive feedback on that. If you could come up with a way to make it easier for us to annex that would be very helpful and I know that is a long hard struggle. I speak not only for Orangeburg, but for all municipalities in the state. Again Representative Govan, thank you for coming."

Councilmember Barnwell addressed Council, "I have the utmost respect for Mayor Pro Tem Haire, but I totally disagree with what he said about our Executive Director of the Chamber of Commerce. If he needs to resign, maybe I need to resign. I was the one that made, what I thought, was positive comments for the City of Orangeburg. Apparently, it was not perceived as such, especially as it was not portrayed in the headlines of the Times and Democrat " Officials Blast NBC". I have read and reread the article and reread my Council minutes tonight and I don't think I have said anything or our Executive Director of the Chamber of Commerce said anything derogatory about the City of Orangeburg or South Carolina State University and I think it was really the headline that certainly did not address the article appropriately. I'd like to commend Mr. Coleman. He didn't do anything but copied NBC."

Councilmember Rheney stated, "I'd like to endorse Councilmember Barnwell's statements and I will also say that I appreciate Mr. Coleman's work and the Chamber of Commerce. What he said was in jest, he turned around and told Tucker the same. You have been a good ambassador for the City and County and I appreciate all you do."

Councilmember Jernigan stated, "I'd like to add my endorsement to what Joyce and Buddy said."

Marty Murdaugh and Tripp Wingard from Murdaugh & Associates presented the City and Department of Public Utilities audit from Fiscal Year September 30, 2006. Mr. Wingard noted that there was a \$369,840 increase in the fund balance as a good sign and a \$30,000 net profit at Hillcrest Golf Course, and a slight \$13,000 loss at the Airport, but that is still an improvement. City Administrator Yow noted these figures were before depreciation. Concerning the Department of Public Utilities, Mr. Wingard stated that capital assets are up approximately 8% and total net assets are up 2.8% and net assets are up 4.4%. Revenues were up 2.2% while expenses rose 4%. Much of this increase were due to energy costs.

City Administrator Yow presented Council, as information, the final 2007-08 Budget Calendar and noted the full day budget workshop on June 23, 2007.

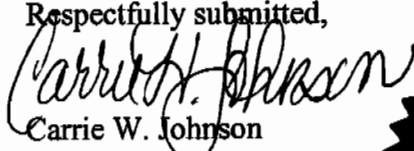
A motion was made by Councilmember Jernigan, seconded by Councilmember Rheney, to approve the Third Reading of an Ordinance to adopt all new rates pertaining to electricity for the Department of Public Utilities. This motion was unanimously approved.

Councilmember Knotts stated, "I clearly understood and understand the increase. If someone has a hardship because of this and I think we already have something in place for it, I want us to be open and honest about it."

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

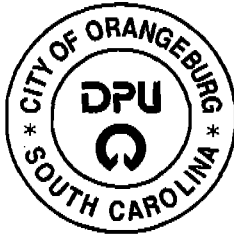
There being no further business, the meeting was adjourned.

Respectfully submitted,

  
Carrie W. Johnson  
City Clerk

/pfb





## RESOLUTION

**WHEREAS,** Richard L. Goodwin, faithfully served the Department of Public Utilities of the City of Orangeburg for thirty-three years, two months and twenty-four days with a retirement date of March 23, 2007; 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. Goodwin in recognition of his services.

**PASSED BY** the City Council of the City of Orangeburg, State of South Carolina, this 15<sup>th</sup> day of May 2007.

*Paul G. Miller*

Mayor

*James Haire*  
*Sandra F. Trotter*  
*Joseph W. Rhiney*  
*Charles D. Dugan*  
*Charles E. Bannell*  
*Travis A. Miller*

Members of Council

**ATTEST:**

*Carrie W. Johnson*

City Clerk

## CITY COUNCIL MINUTES

June 5, 2007

Orangeburg City Council held its regularly scheduled meeting on Tuesday, June 5, 2007, at 7:00 P.M., in Council Chambers with Mayor Miller presiding.

### 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 asked the audience if they objected to amending the Aenda to address items #2 and #3 prior to the Public Hearing. No one objected.

Mr. Don Tribble, Executive Director of the Community of Character Program, gave books to Council from the Community of Character author Barbara Clark. She has donated 1,500 books to Community of Character initiative. Mrs. Clark was introduced later in the meeting to City Council.

Mayor Miller presented the Community of Character Proclamation for the month of June 2007, "Respect" to Mr. Don Tribble.

The Public Hearing was opened for comments on establishing a Type A Residential Planned Development District, "The Orchard" located at Tax Map #0151-20-04-007 and 0174-17-08-004 pursuant to Section 24-6.1 Planned Development District of the Code of Ordinances of the City of Orangeburg, South Carolina.

Assistant City Administrator Bronson addressed Council in an overview of the process related to the Planned Development District, "The Orchard". He further outlined what was advertised in the Times and Democrat and what the actions were of the Planning Commission.

Ms. Sandra Rogers of 1592 Hillsboro Road addressed Council. "I live at 1592 Hillsboro Road and I am president of our Neighborhood Association. We are here to present objections by our officers and I would then like to readdress and summarize our position and objections. I am handing to you a packet of information, including a map and petition from the owners in the neighborhood."

Ms. Carolyn Aiken of Hillsboro Road addressed Council. "I am honored to be a spokesperson for the beautification of this City, we are not objecting to progress, we would only like our thoughts to be considered and hopefully included. My home will be surrounded by the Orchard from the moment they start to dig. Hillsboro, as the City is layed out, is one of the main thoroughfares to Riverbank. When I lay in my bed or in my home, I am subjected to noise from Chestnut, Hillsboro, and sometimes Columbia Road. If this Orchard is built the way that Mr. Berry is suggesting, my home will be surrounded by roads. I took the minutes home and read them and it seems to me that each time the word buffer came up, a different response is given. I never paid attention, and I guess that's my fault, to standards and codes and things concerning the building of homes, but I see that the county is also doing it along with a private organization; I don't know if that is the same with City Council. I would like to bring to your attention and consideration, the buffers. Hillsboro is an established community, you are not building a subdivision in an area that has no other homes around it. When I read the minutes, I saw where one of the commissioners stated that subdivisions are a novelty in this city, and therefore, all of the codes and Ordinances have not been established. I am before you to ask that buffers be a requirement when subdivisions are placed in an established community. Another point is the road. If the road is placed the way as it is suggested, I will be surrounded by roads. When I look at the tax map, the first # 0151, it is located on Hillsboro, that means the driveway should be in and out of those homes. The other lot starting with 017, that naturally would require a road, which we are hoping that both the entrance



and exit to those homes will take place on Columbia Road. When we read Mr. Berry's response. He stated the Highway Department didn't have an opposition of the road being built on Columbia Road. We are asking that the homes built next to me have driveways. We are asking that buffers be used to limit the noise."

Alexander Rogers of 1592 Hillsboro Road addressed Council. He stated, "My house is on the opposite side of the property that Mr. Berry intends to build on. You can also see my home will be surrounded by the back of six new houses. We are not trying to stop progress; we know that it is inevitable. Our home is our biggest investment. It really disturbs my wife and myself to think that if this is built, in the manner that it is proposed, the value of our home will be diminished quite a bit. If I am forced to sell my home, will I lose a lot of money? Another thing is that our neighborhood doesn't look like that and the population density that is being proposed would be so much different than the character of what we have now. We would appreciate it if you would consider all of this and take a look at an alternative plan."

Ms. Doris Myers of 1597 Hillsboro addressed Council. She stated, "I live across the street from where the subdivision is supposed to be built. If you turn to the last page on your sheets, there is a map there. I am here to speak as a concerned citizen. I feel that the new subdivision, the Orchard, will have a domino effect, meaning that once it is approved, the yellow section on the map, we feel the subdivision will be built on the blue and red section. This has already happened in our neighborhood before, first it was Wells and then it was Orange Park West. If you would consider that, it will be very appreciative to us."

Mr. Herman Myers of 1597 Hillsboro Road addressed Council. He stated, "I am deeply concerned about the road they are planning to build between Mrs. Aiken and the Mr. Rogers. Now, if they build the road that will cause more congestion than what we have right now. It will also cause lights coming directly into my home and not being able to sleep at night. Furthermore, I am not trying to stop them from building; it is the idea of how they plan to build it. If you ride down Hillsboro Road, every house is facing the road, now they plan on turning these homes, facing the other way, facing the Rogers or Ms. Aiken and have them built differently turning them towards Hillsboro Road."

Mayor Miller asked, "You are speaking of the lot between the Mr. Rogers and Mrs. Aiken. You are suggesting that there be two houses facing Hillsboro instead of three houses and a road?"

Mr. Myers stated, "Yes."

Abe Salama of 1495 Hillsboro addressed Council. He stated, "I live at 1495 Hillsboro Road and I have an empty lot facing the proposed road. I would like to address my comments in two points. Traffic counts, you have in your package the traffic counts and also Mr. Berry and the Planning Commission answering the question of considering using Columbia Road. The reason that we went with Hillsboro entrance is that 27 houses are not going to have a sufficient difference in traffic. Mr. Berry did not submit to the Planning Commission any study or anything, so our group went directly to the SC Department of Transportation. We told them we had a proposal of 27 houses that would come in and out of Hillsboro. The traffic count is what you see there. Mr. Berry stated that there would be 2-5% increase in traffic. The count presented from the SC Department of Transportation is that 9.4 - 12.9% would be increased per day in traffic. This is for your consideration and the people who did this are in the Orangeburg District Office. We want to give you an official count. The second is the tax base. Mr. Berry stated he was going to increase the tax base. Mr. Berry stated the figure you have there is houses from \$150,000 to \$170,000 and we worked the figure. Truly, he is going to increase the taxes. We went to the City taxes and these would be \$664 and the County would be \$2075.20 and then multiplied by 27 this would be 92. This would be good for the City and the County. He kept stating that most of the people will be retirees and those people would have a homestead exemption and this would go lower than what he had predicted. I will challenge Mr. Berry to make claim that this proposal would increase the tax base but will increase our taxes as individuals."

Mayor Miller asked Mr. Salama, "When was this study done by the Highway Department?"



Mr. Salama responded, "It was May 18, 2007, and I have the raw materials here for you. Road # S-8-11 and the count from each street is here. Hillsboro Road to Little Street, Little to Sheridan is 2,300 and from Riverbank to Sheridan is 3,000."

Mayor Miller asked, "Are you telling me that there were 3,000 cars on that road in one day?"

Mr. Salama stated, "I can provide you these materials, this is an average count."

Ms. Sandra Rogers addressed Council again, "Mr. Berry came to us asking for our support of Plan A Development, we cannot support Plan A. Mr. Berry then said he had a Plan B, but we do not know what Plan B consists of at this time. Therefore, we would like to offer a plan for Mr. Berry. First, one house facing Hillsboro, instead of the three houses that are planned for that lot. Second, we would like a zone consisting of a privacy fence instead of the cypress trees he has proposed. Third, make the access road for The Orchard exiting on the Columbia Road instead of Hillsboro Rd. At this time, we don't feel this is asking too much of Mr. Berry. With this plan we would give our full unconditional support to Mr. Berry. We would like to thank you for listening to our objections this evening and think of us as homeowners this evening and how it's going to affect each and everyone of our daily lives if he goes through with this Plan A. And we would like for you also to look at it from our side and not how an architect or developer has put it on a piece of paper. It may look beautiful and it may look glamorous on a piece of paper, but in our true daily lives, how is it going to affect us. And we thank you for your support."

Mayor Miller asked, "You are speaking for the entire neighborhood of these folks? That you all are not opposed to the building of the houses, you are opposed to the road coming out on to Hillsboro and that if adequate buffers were there, which I believe our code calls for that and only had one house facing Hillsboro. The other gentlemen, I'm thinking, it was Mr. Myers, maybe said build two houses."

Ms. Sandra Rogers then states, "I would like to propose just the one house facing Hillsboro Road on the vacant lot, we feel that is adequate."

Mayor Miller stated, "And you would like to have an ingress way on the Columbia Road and not have the road on the vacant lot in between Mrs. Aiken and Mrs. Rogers."

Ms. Rogers replied, "yes."

Mayor Miller asks, "Is there anyone else that would like to speak?"

Hugh Smith of 570 Wells Drive addressed Council. He stated, "I live at 570 Wells Drive and I'm not going to speak directly about this subdivision, my concern is that these things are being, I don't know what the definition is exactly of a Planned Development district, but what I've seen is that these designations are being used as a virtue to the neighborhoods of our communities because you can't count on Zoning Ordinances anymore to give you the protection we thought we had. Zoning Ordinances require a certain square footage, certain size lots, subdivisions or neighborhoods that have long been established by character and by Ordinance are no longer. You can no longer feel safe in these areas because you don't have protection anymore that we once had."

Mayor Miller asks, "Is there anyone else that would like to speak?"

Mayor Pro Tem Haire asks, "Mr. Smith are you opposed to the development?"

Mr. Smith states, "I'm not opposed to it or for it, my opposition is this the version of zoning as established by the prolific use of any new development."

Mr. Francis Scott of Orange Park Drive addressed Council. He stated, "What a wonderful community that has been built by Mr. Berry. My neighbors and I have the same feelings and I'm sure more neighbors have those same feelings. I'm not familiar with the new subdivision, but the one he built for us is wonderful. I would just like to say that to them and if they would like to see some of his work drive into Orange Park West off of Columbia Road. Thank you sir."

Mr. Bart Thomas of 785 Shillings Bridge Road addressed Council. He stated, "I originally grew up here and this is where I was raised. I've been away for about ten years, off to college, and with my career. But my job actually brought me back here. I got back here January 1<sup>st</sup> of this year and I remember when I came back and I looked at Orange Park, just the type of home that was and the quality of the home being built, it impressed me. In my opinion, I've been in several different cities in South Carolina and I've noticed that inner city growth is helping with the economic growth for those cities and it's helping with the local businesses that are within the city. It helps with the property tax within the city. I know a lot people and one person mentioned that retired people would be interested in these homes, but I myself would be interested in buying one of these homes. I know I would pay my property tax and not be exempt from that. It would also help residents travel quickly back and forth to businesses in the city, that way you are saving them gas costs from driving all the way in from town, making them spend more with the local businesses instead of someone recommending to go all the way out there to Wal-Mart. I, myself, really don't care for Wal-Mart because I think we should support our local businesses in the community. I think the Ordinance that's trying to be changed is trying to build a nicer, larger home for the resident and I think if you allow that Ordinance to be an exception, you're not only doing something for the community, you're creating an image for the City of Orangeburg and that itself will also attract other people into our city as well as other businesses. A lot of people were talking at the last meeting I attended here about the pollution and litter one of the topics that came up. In my opinion, pollution is not going to be a factor because you're not going to have to travel as far to local businesses or work because you are right downtown, you're local, next to everything. Also, litter was another thing that was brought up and in my opinion if you have pride and ownership, which those people will, you're not going to spend two hundred thousand on a home and litter on someone's street. That's just my approach to this and I appreciate your time."

Councilmember Barnwell asks, "Mr. Thomas, you live outside the City, what is your interest inside the City?"

Mr. Thomas then states, "I want to buy one of the homes that will be developed in the Orchard."

Mr. Daniel Smith of 464 Berry Street addressed Council. He stated, "I just want to let you know that I've been in Orangeburg County all of my life, a resident of Orangeburg and I know that it's a growing community. It's good to see something like this go on and we need this in the community. If we don't have this where are we going to be? Just like Mr. Thomas said a minute ago, you look at the other cities around, bigger cities in South Carolina and this is what it takes for all of us, for industry, employment, etc. I hope you think about that when you make your decision."

Mr. Albert Shuler of 1379 Hillsboro addressed Council. He stated, "I think that we may have gotten off a little, but we're not opposing the building of this community, we're opposing the traffic pattern. So if this is what we consider not a problem, come out there, let's say eight o' clock in the morning on Middleton Street trying to make a left on Chestnut Street, you have traffic backed up around the corner. That is a bother right there to people trying to get out, you make a right turn you're all right, but if you try and make a left turn off of Middleton Street, you have the problem on Hillsboro that you have with Columbia Road. Thank you."

Mr. Toby Inabinet of 1254 Stuart Street addressed Council. He stated, "I've known Mr. Berry for seventeen years, his construction quality of homes is wonderful in this area. What he is proposing, I don't think it's a bad idea. I think it's going to improve our taxes and we definitely need more tax revenue in our state and the City. The communities are concerned about the neighborhood being jammed because of traffic, I think someone needs to investigate Columbia Road traffic; anybody in the community down that way knows that it is horrible between seven and nine in the morning. I work at a local business that runs delivery trucks and ties me up and that avenue is definitely not a good idea, I think its going to get worse. I agree with the last gentlemen, younger people are buying these homes. Younger people are coming to the Orangeburg area for jobs, businesses here are coming into the local areas improving. I don't think older people are coming in these areas. I think older people have nothing to gain here. I think younger people bring this community forward. Myself, and a lot of my friends, love these houses. I got a lot of friends that stay in a lot of different areas and all the subdivisions he's built in the past."

Local businesses are going to benefit from this by selling materials, helping people, local people will benefit. I think it's a plus all the way around the board the only negative I see is the traffic issue. Then it definitely would be worse traffic on the Columbia Road than on Hillsboro Road."

Mr. John Bateman of Lee Boulevard, off of Riverbank Drive, addressed Council. He stated, "I understand that the population in the City of Orangeburg has decreased, one of the reasons for that might be the lack of adequate housing. If someone can't buy what he or she wants in the City they have to go in the county. The only reason I spoke, I wasn't planning on speaking is because I keep hearing about the traffic. If you live off of Riverbank Drive in Laurel Hill, Dove Point, Edisto Plantation, or the new Country Club, reaching the Shillings Bridge Road, you use Hillsboro Road to get to the by-pass. A few more houses isn't going to do anything, you can't stop everybody off of Shillings Bridge Road and Riverside Drive from using Hillsboro to get to the by-pass. So, I don't understand about the increase in traffic when the houses aren't built off Hillsboro, they'll be built off Riverside Drive and they'll still use Hillsboro. So, since the house is going to be built close to the City, why don't you want to them in the City to increase your tax rates, increase your population, have some nice houses with more middle class taxpayers. There's no sense in letting the City property run down, build something new there."

Bill Taylor addressed Council. He stated, "I've been living in the city limits of Orangeburg for thirty-six years. I've been a good citizen to the City of Orangeburg. I have in the past owned the properties that Mr. Berry has proposed to develop, I own none of it, I get nothing from this, there's no profit from this for me. I waited for many years paying taxes on that property and it's sitting there. I kept waiting for the right opportunity for there to be a development and one of quality and substance. I had the opportunity to go with people from out of town. I had the opportunity from Hot Rods" to come in from out of Columbia that wanted to come in and plan. But I know the quality of Berry and what he does and his construction and what he makes happen to it. I also know the neighbors that were there to join the property, which I, during that period of time strove to be a good neighbor to those people. Also I know their feelings and their concerns and I knew that when the grass got over six inches tall they wanted it cut and I appreciate that because they look at it and observed that. G.W. Berry has committed that he will make this scenario pleasurable to the people. peaking of traffic, for nineteen years I've pulled out of my home on Livingston Terrace and pulled onto Hillsboro Road straight out to my office and yes, there's traffic there and I can assure you with twenty-seven homes, twenty homes built below us on 280 Livingston Terrace, all the way down Pinetop, I thought that they would flood with traffic there, but I don't hear any noise, people go and come. They live in the community and they're a part of it so I don't see the big problem with twenty-even homes. Whereas, twenty homes we have them capsuled at the bottom of that hill traveling up by our homes. I will state this, the tax base on improving a home, I don't think the value of the home will decrease, I think it will increase because of the total area and the impact it will have on it. So, all I would to say to this is I respect what these people have to say to it to the public and their community and I also respect the fact that we want growth and we want to have that in our City and to have some fine quality homes built in our City; then the opportunity is here in order to make that happen, but there may be some compromises that need to be done here. I hope with some good clear thinking that this can be taking place."

Ms. Arneatha Butler of 392 Orange Park Drive addressed Council. She stated, "I just want to tell the folks that are opposing the origin that they need to come to Orange Park West and see our neighborhood. It's a lot of retirees, I think the majority is retirees and you're talking about traffic, we have some people, I think Mr. Scott who spoke earlier, lives next door to me, and there's days at a time when he doesn't move his truck. So you'll have minimum traffic. I leave home at 4:15 every morning going to the track and I feel secure and comfortable with leaving my house that time in the morning. Sometimes, when I come back I turn on the water or pull the trash can out and I feel comfortable doing that. It's just that type of neighborhood. The yards are well kept. I think this Orchard community will be a win-win situation for them and if it's anything like Orange Park it will be an added addition to their community."

John Shuler of 250 Keitt Street addressed Council. He stated, "I was born here, grew up here, practiced law here and I plan to stay here. I agree with what the other speakers have said that Hillsboro has a traffic problem, but they've always had a traffic problem and the reason they have a traffic problem is because it's one of the few outlets. Mr. Bateman adequately pointed out, go

out to Riverbank where the people in Orangeburg had moved from the City of Orangeburg. I understand the City is concerned about it and I am too because I've seen the City population decline, this is a time when these new developments; Crescent Oaks, Wells Forest, Wells Grove, and Orange Park have brought people back in the City and have also kept those people who would've moved out of the City from moving out. So, I think the plan is a good plan and I think that it has been adequately shown that there is not much opposition to the building of the development that the opposition comes from the change in the traffic pattern. As Mr. Bateman pointed out, if its not built here it will be built somewhere and the traffic pattern will increase no matter what. The real problem is the traffic pattern, Little Street should have never happened. That Little street that comes right out to the intersection of Columbia Road and Chestnut Street is a traffic hazard it's a safety hazard, always has been. There's no place you can put a traffic light there because it's too close to the traffic light at the intersection of Columbia Road and Chestnut Street. If Little Street could be closed and moved back down to the next street and put an adequate traffic light up there so people would have to turn off of Hillsboro onto Chestnut at a location further back, these people would have the quietest street in the City of Orangeburg and it wouldn't matter whether people were coming in and out of the Orchard. I think the City and the Department of Transportation, for safety reasons alone, need to take a hard look at Little Street and see if something can't be done there. Thank You."

Councilmember Barnwell asks, "Mr. Shuler have you represented Mr. Berry?"

Mr. Shuler replies, "I've represented him on a number of cases and I have to say that I've represented a lot of the people that bought into Orange Park and they're very happy. I've visited many of the houses built in Orange Park and they're well built and I understand that this development wants to go a step higher and I think that'll be a good thing for this community."

Ms. Faye Cheatham of Orange Park West addressed Council. She stated, "I think that we have a great new community, I think it's a nice step to the community of Orangeburg. I think the Orchard will be even better. I don't know much about the PDD's, but I do know the industry magazines, are all for this type of growth in the United States. I hope that everybody will remember that everybody doesn't want a big house, when you're older and infirmed, my house is closer to the ground. There are more Americans today needing this type housing than there ever has been. I've been helping sell houses for over thirty-five years and I think that he's a great developer, a great person and will do the best that he can to make everybody happy. Thank you."

Mr. G. K.. Bateman of 671 Goff Avenue addressed Council. He stated, "I am a retiree that just returned home. I have concerns about the City and it's development, and I might be wrong. From what I have seen and heard tonight, I completely understand from my experiences. I think the group that is opposing needs to look into the total viability of the community and depersonalize and I would hope that this committee with their resolution, and if everything is within the law, remember that an opportunity for growth only comes once, seize that opportunity and keep in mind that it is the total community, the big picture, not the small picture that the decision should rest upon for all of us in the future. And as far as old folks, we are very viable."

Ruthie Hydrick of 418 Orange Park addressed council. She stated, "I've been there a little over a year and it has been an absolute wonderful change for me. I lived off the North Road and you can imagine, talking about traffic, it's unbelievable coming out of Hill Street where I lived. It's a joy to know that I have garbage pickup instead of hauling my garbage a mile or two down the road. My home is safe and it is secure. The ones here that live in Orange Park have verified how safe it is and how wonderful Mr. Berry has built these homes, they are sound proof. But we need more people to come from the outskirts of Orangeburg to the City, to bring in more taxes, to help the city grow, instead of shrinking we need to expand our City. By building these other subdivisions, bring more people into a closer relationship and makes it like one big family. It's so safe, I've never felt afraid where I am. So I'm hoping that they will go ahead and progress with this, it will also help the City expand and also with our taxes. My water bill is much less than it was in the county so it's a lot of plus signs. Thank you for giving me this time and God bless all of you."

Mr. George Butler of 1578 Riverbank Drive addressed Council. He stated, "I just want to say one thing, the Orange Park West, I work for G. W. Berry Reality and Construction, I go in Orange Park

West probably more than anybody in this room, from sun up to sun down. There's never a traffic problem inside Orange Park West, one thing I like is when I go in Orange Park at six o'clock in the morning I usually see somebody walking from a different neighborhood, walking around Orange Park West because its off away from traffic. They got park benches for when you are tired you can sit down but it's just a great walking area. I think its well-lit and very safe. I think the people from Hillsboro will benefit with being able to come off of Hillsboro and walk in that neighborhood of the Orchard because it's going to be well lit and it will probably have park benches also. That's just one little thing that really got me listening to everybody talking back and forth; everybody around the park is just so nice to talk to and I go in and out in the afternoons and see them walking. The same thing can be possible with the Orchard."

Mr. Burt Cape of 302 Orange Park Drive addressed Council. He stated, "I moved into Orangeburg from outside the area, I lived in Orangeburg for twenty something years but I lived out in the county. I had considered moving elsewhere, I retired a couple of years ago and decided to move and pick out a place since I was downsizing. I very seriously considered moving elsewhere because there was nothing in Orangeburg that met my demand. At that time, I was single, my wife had died and I didn't really need a lot of square feet, and then I married and I needed a few more square feet so I ended up staying here. Of the people that live in Orange Park West and I don't have the figures, the majority came from outside the City. The neighbors of them, many of them, came from other than inside the City. It's a great place to live, I enjoy it and I don't know the plans of this other development, but it can do nothing but improve this City. One of the other things, if there's three thousand cars on Hillsboro per day, what percentage of twenty-seven homes is going to add to that three thousand? Very little."

Ms. Althea Woodward of Tolly Ganly owns property at 1698 Hillsboro addressed Council. She stated, "I feel like this is going to improve our property. I don't see how this is going to hurt us at all."

Ms. Aiken readdressed Council. She stated, "I thinks it's amazing to hear the responses we just heard, it made me think they weren't listening to what we were suggesting. We are not against the Orchard, we are just asking Mr. Berry to make a few changes and that is all we are asking. I am surprised to hear the remarks of what has just been said."

Mr. Salama readdressed Council, "You asked me about the dates on the count and I was looking at the top of the paperwork dated May, 2007. But, after looking at the paperwork, the traffic count was as of 2006. It was increased from 21 to 23 and from 28 to 3000 that was the previous count and the last count. I just want to mention that Mr. Berry took me to Orange Park West and I was impressed. Everyone who lives there would be impressed too if he was building homes with the \$200,000 price. I hope the people who came here that wanted to buy a house there that they can afford to pay \$200,000; I hope they can do that. The question for those that live in Orange Park, they forgot the entrance is on Columbia Road, it is not on Hillsboro. We are asking Mr. Berry to consider Columbia Road. His subdivision, Orange Park, is as close to the traffic light on Boulevard as what he is proposing. The 27 houses that they say is not going to make a big difference, the Highway Department stated that this would increase from 9% to 12%, that is more traffic than we have. Please consider the offer we made in regard to the subdivision."

Mrs. Doris Myers readdressed Council. "We are not opposing the Orchard, we are just asking for one home to be turned towards Hillsboro. Every house that you see on Hillsboro is facing Hillsboro. I think it will make a big difference if that happens. The last time I was here and I spoke; I was asking was there going to be any kids living there. But the gentlemen thought that I was against kids, I love kids. I have grand kids of my own and some of the cars are coming down pretty fast, there are some coming down talking on cellular phones. They don't know whether kids are living in the area or not. Kids cross the street without looking where they're going and they have 15 mph signs there but they do not come down Hillsboro driving 15 mph. But if you go in another way, you see 35 mph. They take advantage of that sign. When you are driving, both of your hands are supposed to be free at all times if you have to make a complete stop. And I love the houses that Mr. Berry has and I know that it would make a beautiful spot over there. Just give us one house facing Hillsboro, that's all we ask for, we're not against it."



Councilmember Rheney asked Mrs. Myers, "Would you be opposed to a house that doesn't face Hillsboro if it is buffered like Wells Forest. Those are actually not facing Wells Drive, would you be opposed to that if they had a buffer?"

Mrs. Myers stated, "I am really not familiar with that, but I think it would be all right, but I am not sure because I am not familiar with the area. I am really puzzled."

Councilmember Rheney stated, "That's ok, maybe you can ride down there this weekend."

Mr. G.W. Berry addressed Council. "I love Orangeburg and I'm proud to be a part of this community. I have lived in the City of Orangeburg since 1972. I've maintained an office in the City since 1976; pay my share of city taxes and city licenses. I realize all the people here tonight have real concerns. I'd like to address all the concerns, actually I'm not going to address every one of them because it really comes down to one concern, so in the interest of time, I will not address all those concerns. But, tonight I plan to speak the truth and some of the people in here maybe hearing the truth for the first time. At the Planning Commission meeting last month, emotions were really high. It is human nature at a time like that to be thinking of new approaches, objectives or rebuttals when someone else is speaking and not really listening.

Tonight, I ask the people in here to kind of clear our heads and let's listen to the truth, not exaggerations and misrepresentations that are spreading like wildfire. Believe it or not, I am on the side with the people in this room tonight and I can document anything I say as facts. There's something called Private Property Rights meaning we all have the right, we are all free to do what we want with our private property within the laws and Ordinances of the state, county, or city it is located. I have every right to build a subdivision on the property; the only reason we're here tonight is because I wanted to develop my subdivision nicer than what the City Ordinances would allow me to do, because of this the Council would have to approve this. With that approval tonight we can still build 25 to 27 home subdivision of lesser appeal and lesser value. I don't want to build mediocre subdivisions. I'm going to be honest with you, I don't want to do Orange Park all over again. Even though Orange Park obviously is really nice, I want to build a step above that. The cost of land improvements, road drainage assessments are prohibitive, because of this the new subdivisions built in Orangeburg and the surrounding county area have been of this type. There hasn't been anything built other than this type built in this area in twenty years. If we build a subdivision with Hillsboro size lots today, the cost of those lots will be more than the market value of the existing lots and homes on Hillsboro according to the county tax rate. There are many retirees wanting a new home in a quiet secure neighborhood with a minimum of maintenance and upkeep. I live on a Hillsboro size lot and it cost me over \$300 a month to keep my yard maintained and approximately \$400 a month on utilities. In my comparison, the residents of Orange Park West pay \$30 a month for yard maintenance and around \$100 a month in utilities. When we talk about affordable housing we mean reasonably affordable, not subsidized. We tend to build homes in the one hundred and seventy, two hundred thousand dollar range. Orange Park West homes sell for one fifty, one sixty thousand dollar range. Crescent Oaks, which is down Hillsboro, are a notch above with one seventy, one eighty in that subdivision. That subdivision has sold out. I'm trying to fill that void. In the past it was simpler and inexpensive to the developer to build a subdivision. The owner would cut in a dirt road, and the city or the utility company would run the utilities. The city or county would maintain the roads and drainage, especially if the city or state would pave the road and maintain the road and drainage perpetually. Today, it's a different ball game; they want us to pay engineers to design the roads and drainage that requires a long process to be approved by DHEC. We then have to pay to build the roads, drain the retention ponds; etc. The residences of the new neighborhood are assessed yearly to pay for the continuing maintenance of those roads. They also pay for their own streetlights. There's no strain on the city or state maintenance budget, this is all cared for privately. In spite of all these additional assessments, these residents are paying more for city and county property taxes than the rest of the people in the area are because most of these residents are retired they place no burden on the school system, all they do is help pay for it. This neighborhood will be heavily restricted; yards must be maintained, garage doors closed, strict guidelines will be placed. This time, I would like to address the concerns that are here tonight and in the past. They are actually five homeowners that are directly affected by this because their property is adjoined. They are Mrs. Woodward, who spoke tonight to save the project, Mr. and Mrs. Rentz, who I have spoken to and are in favor with the project, Mr. and Mrs. Holstead who are also

in favor of the project. The other two are Mrs. Aiken and Mr. Rogers. These people have reason to be concerned. Mrs. Aiken just wants to live at peace. She has been misled to believe that will change, it won't and I will do whatever I have to protect Mrs. Aiken's security and her way of life. I will address her specific concerns categorically with the others tonight. The other people who are directly affected is the Rogers. They expressed to me in an interview and also in an interview with The Times and Democrat that they just want to sell their house at a fair price and move. They offered to sell the house to me and after thinking about it, if that offer still stands, I would be glad to buy that house for the market value listed by the County Tax Assessor. Everyone thinks that this new subdivision will devalue his or her property, this will not happen. I have a letter from a certified appraiser stating that this will not happen. I also entertain the idea of doing a before and after appraisal on the Rogers' property and paying them the difference if their property does decrease in fact. The only thing that will decrease the sale ability of the Rogers' property is the controversial, that they have both created with this public protest. I made the same offer to Mr. Aiken. I'm not here to hurt anybody. The rest of the residents will literally see no change in their lifestyles or property value.

At this point, I was going to address all the concerns that were brought up; trash and pollution, crime, and litter congestion, domino affect on everything. Actually, if we build the subdivision as we proposed, it will prevent a domino affect. The other property, Mr. Salama referred to on Wells and between there, this will cut off any domino affect. Now, that property will still be developed, they're planning to develop it now. Dr. Thomas Gue was here as he represented the Gressette Family at the Planning Commission and they've got a little strip of property that's behind that. Dr. Gue referred to that little strip of property behind mine several times as two lots. He didn't refer to it as a half of acre, so they already have plans to develop. This has got nothing to do with that other than by approving the subdivision as I propose it, it will literally cut off all of the rest of that property that can never come back to Hillsboro, this will be it. If we don't approve this as done, that possibility could be wide open and a lot more than 27 homes could potentially come back to Hillsboro in the future. I'm going to skip all of those other concerns and just talk about the main concern, which appears to be traffic.

The general synopsis of this group tonight is that they're not opposed to the subdivision they're just opposed to the entrance coming out onto Hillsboro because of the traffic problem. I'm going to be honest with you, the residents of Hillsboro have done a really nice job on the zoning map and all this stuff but the statistics are totally off base. First if all, it says you have 27 homes, two people per day, four to five trips a day, I don't know about you, but that's hard to believe, I don't make five trips a day. They also did not take in consideration that most of these people are retired, some only have one car, referring back to Orange Park, and approximately half of the residents in Orange Park are single person households. None of this information is at the Highway Department. You can't get this from the computer unless you put proper data into the computer and this has not been done. Another thing that has been considered, in the next year there may be two families living in the Orchard, the following year it may go up to five or seven. It'll be five to seven years down the road before 27 residents are living there. The increase in traffic has already occurred on Hillsboro the percentage and impact in itself has actually decreased every year. We're down to one percent if you put real numbers and real information into it. These engineers here can only deal with speculations. The way I look at it is we can talk about who's going to live there, what size garage, how many cars they have, how many times they're going to leave the house, and come back, all that is speculations. I am a scientific person myself, although I'm not a scientist or engineer. I keep coming back looking at several different situations. I refer to Orange Park West, there are 27 families living there, never will you drive through Orange Park West and pull up to the stop sign on Columbia Road and be behind another car. There's no traffic. Mr. Taylor made reference to Livingston Terrace, at the end of the Livingston Terrace they built a new subdivision called Pinetop, it's approximately 20 homes in there. The only way in and out of Pinetop is Livingston Terrace. Mr. Taylor testified that there's a negligible amount of traffic. I spoke with Mr. Cheng who lives on the corner of Grove Park, he says he loves it there. He's been there for two years, there's not a traffic problem. There's about 20 homes in Wells Grove, there's not a traffic problem. He loves it but has to move. He's moving because of personal problems that doesn't have anything to do with the fact that he lives on the corner. After researching the county and property values, I've found that this type of development in older existing neighborhoods have a positive, not a negative effect on property taxes. I also have

legal statements from a certified appraiser stating that there's no adverse effect surrounding this property.

Some of you are probably wondering why I've subjected myself to so much abuse trying to get this PDD approved when I can put a residential subdivision anywhere. To be honest, in the past couple of weeks I came close to withdrawing my application, but then I remembered why I started working on this project two years ago. The PDD is going to target the market that I'm looking forward to reach. I don't want to do Orange Park West all over again. Without the PDD, that would be my alternative. The PDD would be best in my business plan, best for the City of Orangeburg, and the residents of Hillsboro. It's a win-win situation for everyone involved and I really find it ironic that there is objection. The City Council has most of the information and benefits that this development will have for the city residents and I would like to add a few more things. Tax revenue per acre from the Orchard will be seven times greater per year than the current revenue received from the tax based on Hillsboro. I did not make any predictions with dollars; all I said at the last meeting was that I would increase the tax figures; I never said that in dollars. Most of this I read is not true information. In fiscal year 2001-2003, I paid the City of Orangeburg an average of \$1,500 a year in license fees and building permits. In the subsequent time period of 2004-2006, after starting the subdivisions in the City, I paid an average of \$6,000 a year for these same fees. Because I was building homes in the City my license and building permit fee went up 400% to the City. Adding to that the additional license fee for the suppliers and sub-contractors who operate in the City increased the revenue to the City by another several thousand dollars a year. Also, considering the benefit of a one percent sales tax collecting our price in half-million dollars worth of material sales. The additional tax base will ease the burden of all the taxpayers in the City of Orangeburg. If we bring in 27 homes everybody will see there taxes go down. The fact is the City of Orangeburg has more obligations and debt to pay, the more people we have sharing those financial responsibility of those debts, the better chance we have on the up-keep of property taxes at a reasonable level. That's basic economics. In April of 2006, City Council voted down the proposal to reopen a part of Chestnut to commercial properties. The reason provided in The Times and Democrat on April 19, 2006, was because Council was concerned about the City's declining population. This is the opportunity to help prevent this. The biggest concern I've heard here tonight is additional traffic. I think the data from the highway department is an example of accurate situations that will prove this traffic problem we perceive is not a real problem. I ask Council to please vote for what will be best for the City of Orangeburg and what will be best for the citizens tonight."

Mayor Pro Tem Haire asked, "Plan A is the PDD, while Plan B is 25-27 homes of lesser value? The citizens are not objecting to the PDD request, only that the street does not come out to Hillsboro. So there's no compromising?"

Mr. Berry stated, "The whole point, the biggest complaint is that if the street does come out to Hillsboro it'll be more traffic. We have proven that traffic is really not a problem. So if they're not opposed to the subdivision and traffic seems to be the problem, then traffic is really not the problem, why change all these plans because of that? We really don't have a good alternate. I cannot dump a subdivision into a thoroughfare like Columbia Road, the house can be 20-25 feet off of the road if you come off of Columbia Road onto a piece of property that's 20-25 feet off the road, there's no transition. That's like coming off of the interstate at 70 MPH to a secondary road that's 55 MPH, before you know it you are driving fast. Hillsboro gives it a transition. You come in just a few hundred feet and then you stop and then you turn; see there's a transition there. Plus, the city planners all across the United States today aren't ready for subdivisions being built onto major highways, this is what causes the major traffic problems and concerns. They're the ones who came up with this concept not me."

Mayor Pro Tem Haire stated, "Is there not a covenant as it relates to that subdivision as to where it relates to facing of those homes."

Mr. Berry interrupts, "Mr. Haire I apologize, but that is just another misrepresentation by Mr. Salama and he knows that it doesn't concern my property, but he keeps misrepresenting."



Mayor Pro Tem Haire stated, "I have a question and please answer and don't refer to others. That did not come from him. You are saying that it does not affect that property?"

Mr. Berry stated, "That does not relate to his property."

Mayor Pro Tem stated, "As it relates to buffers, we heard talk from Councilmember Rheney asking one of the owners about the buffer on Wells, are you amicable to some type of buffer?"

Mr. Berry responded, "Coming off of Hillsboro, we are planning a buffer down both sides of it and we have it shown in the plans."

Mayor Pro Tem Haire asked, "I am talking about a similar buffer to Wells."

As it relates to the property, we heard talk from Councilmember Rheney asking one of the owners about the buffer off of Wells, are you amicable to some type of buffer? Coming off of Hillsboro we plan a buffer down both sides of it and we have it shown in the plans."

Mayor Pro Tem. Haire, "I'm talking about a similar buffer to Wells."

Mr. Berry, "No I don't plan to build a brick wall."

Councilmember Barnwell addressed Mr. Berry, "Maybe I misinterpreted your definition of the PDD. My interpretation was that your plan was to set the house back 20 feet from the right-a-way. PDD is supposed to be 20 feet back from the right-a-way."

Mr. Berry interrupted, "Excuse me, but to my knowledge the PDD doesn't have any specifics that is why we chose it."

Councilmember Barnwell then stated, "Well our PDD does."

Mr. Berry stated, "I'm sorry, I must have a copy of the Ordinance different from yours."

Councilmember Barnwell, "What objections do you have of not making an entrance on Columbia Road? You referred to the property off of Broughton Street and Columbia Road and both of those properties are on four lane highways."

Mr. Berry stated, "Livingston Terrace pours into a four lane highway."

Councilmember Barnwell stated, "Orange Park pours into a four lane highway."

Mr. Berry stated, "Pinetop does not pour into a four lane highway. The only objection is Livingston Terrace."

Councilmember Barnwell then stated, "What objections do you have to not making your entrance on Columbia Road? Just like one of the individuals said, you got the same situation at Orange Park West, you got the same thing down there at the by-pass."

Mr. Berry, "No sir, it's entirely different."

Councilmember Barnwell stated, "How is it different?"

Mr. Berry stated, "First of all the entrance of Orange Park West comes onto Columbia Road after Columbia Road branches off to Boulevard. A large percentage of that traffic branches off to Boulevard that does not continue to Columbia Road. So, traffic between Chestnut and Boulevard is extremely higher than the traffic between Columbia Road and Boulevard and further down Columbia Road. It's also far enough back from that traffic light where there is no problem making a left turn out of Orange Park onto Columbia Road."

Councilmember Barnwell asked, "Certainly you're building this property to make money?"

Mr. Berry stated, "Sir, I am a businessman and I am in business to make a profit. My potential profit stands to be greater if we build Plan B. I go on Plan A because it's best for the neighborhood and best for the City. To be honest with you, I've been doing this for thirty years around Orangeburg, I've never done anything to hurt anyone and I'm not going to start now. I believe in this because I think it's the best for everyone's concerned. I'm going to make a profit either way."

Councilmember Barnwell stated, "I understand that and of course that's your right. I don't understand why you can't make the entrance on Columbia Road, do you have objections to this?"

Mr. Berry stated, "Primarily, because its not sound engineering. It's not recommended by the planners all across the country who are telling us that subdivisions dumped into main arteries are creating traffic problems. It is not desirable. It doesn't give the security and atmosphere that the traffic rows aren't wide enough. The houses aren't set back far enough to come straight into a main artery."

It would be very poor planning. If that were the case, I would do it. It would be a lot easier than coming here tonight. There's going to be a little amount of traffic and that's with real live cases, not speculations."

Councilmember Barnwell states, "Well, I've sat out on Hillsboro myself on May 5th at 2:50 PM for ten minutes until 3:00 PM and there was 52 cars in that ten minutes."

Mr. Berry, "So what are you saying sir, that they are more than 2,300 cars a day on Hillsboro?"

Councilmember Barnwell stated, "Yes."

Mr. Berry, "If that's the case our impact will even lessen the traffic count. If we multiply 10 minutes times 50 cars, 24 hours a day and the amount of traffic 27 cars will put into that, our impact is still lower than one percent. I really don't understand what that has to do with this."

Councilmember Jernigan stated, "Mr. Berry, when this is all over with and everything is said and done, and it's either built or not built, I'm going to reread the conversations we've had discussing this over the past month or so. I think I've learned more about PDD's and developments than I've ever really wanted to know. One question I do have and I think I know the answer, but I'm going to ask it for the benefit of everybody else. Can you elaborate a little bit on the difference in the house that you would built in a PDD and the house you would build in a regular development?"

Mr. Berry stated, "I appreciate you bringing up that question. With a regular development we're talking about a PDD development and a non-PDD development. Because this property is narrow without a PDD we would have to offset the center of that road and we would have deeper lots on one side of the road. Because those lots are deeper and would not get to the capacity we need for them to be economically feasible we would have to make those lots narrower down to a minimum depth. None of this has to do with the houses being close together but they would mostly be on one side of the road. They would be Orange Park design houses. Orange Park houses are narrow and they're deep because that's what fits that property. What I'm trying to do with the PDD, if you've noticed, but we're talking about 90 foot lots, which may not sound like a lot to Mr. Barnwell but in today's age and time that's a pretty wide lot. The houses on Hillsboro are built longer, parallel to the road. This is what we're going to do in the Orchard, build longer houses parallel to the road, more in line with what's on Hillsboro rather than narrower and deeper lots. Which also means that we'll have less homes backing up to the property of the residents on Hillsboro and also the house will be a little bit bigger, a different design. The total impact will be about the same with approximately the same number of houses just a more desirable subdivision and a little bit more scaled subdivision than if we didn't do the PDD."

Councilmember Jernigan stated, "So the square footage will be the same?"

Mr. Berry stated, "The square footage will be upgraded. We're probably looking at 1200-1400 feet houses in a regular subdivision versus 1500-1800 in a PDD. With an average of about four lots per acre."

Councilmember Jernigan stated, "What I hear from the audience is, it's just a matter of a little compromise between the one's that are in favor of and the ones that are opposed to it. I think I would like to see everyone get together on this thing and come to some type of a little compromise. I noticed that they just have three points and that they're willing to negotiate on. So, maybe if you could negotiate some of those three points a little bit then I think everybody will agree on it. I think overall it probably would be a good thing for Orangeburg. I do see what the people over on Hillsboro are concerned about, I agree with them with their concerns, but I would also like to see it built. I'd like to see some type of compromise between the project and some of their concerns."

Mr. Berry stated, "I have absolutely no problem with that. I wouldn't want to make the entrance on Columbia Road because I think it would kill the project. I can't invest several million dollars in property that I don't think people would be interested in buying."

Councilmember Jernigan replied, "I think that is the reason they have points that they are open for negotiation."

Mr. Berry replied, "We will do whatever is necessary and whatever else is feasibly viable. I don't intend on building a brick wall. In fact, I don't think that would be aesthetically pleasing to start with. To be honest with you, the outlook in Wells Forest is not good, the brick wall cost a tremendous amount. Marion Moore asked me several years after they developed it; there were three partners and one of them wanted to get out and they asked me did I want to buy their part out. I said, let me look at the numbers and after I did, I said no way, you have terribly overspent and there was no way to come out on top of what was spent."

Councilmember Jernigan stated, "I really appreciate all that came tonight on both sides and I think it is a big decision for Council to make and I don't have any idea on how it is going to go. I would really like to see if you and those concerned could decide on some type of compromise."

Mr. Berry replied, "I think we have addressed all of the real concerns. If the Rogers' want to sell and move to Elloree, I will buy their home or I will give them a before and after appraisal."

Councilmember Jernigan stated, "I don't want to see anyone move out and I surely don't want to see Mrs. Aiken move out because she calls me all the time."

Councilmember Rheney stated, "I attend St. Andrews Methodist Church and of course I go Columbia Road and I think everyone in this room will agree that Hillsboro Road and Broughton Street and Chestnut and 301 are the three main roads that are used. I live in Livingston Terrace and I use Hillsboro Road. It is a public road. Wells Drive, I use a lot. It is a public drive, we all own these roads. We are supposed to travel these highways, we have to get to work, we have to get to the grocery store. Columbia Road, where you would have to exit, there would be no way you could turn left, I don't go across that traffic because of the traffic light 200 feet away. I know you would have to turn right instead of left."

Mr. Berry replied, "Really two of the people that are here tonight when they leave they go to Little Street, the other people would go to Clearview Street. The rest of the neighbors should go to Clearview and not Little Street."

Councilmember Rheney stated, "I agree that something should be done with Little Street, just where it empties. Again, these are public roads and I have to use them, I have to use Hillsboro Road to go to other places. You said, you would work with Mrs. Aiken and the Rogers, I hope you will because they brought out good points and so did the residents of Orange Park and I would really like to see this built."

Mr. Berry replied, "I will do everything to protect the tranquility and the property values."

Councilmember Rheney stated, "We have not been hurt by Pinetop, I can tell you that."

Councilmember Jernigan stated, "As far as some of Mr. Barnwell's concerns on the setbacks and things like that, the Ordinance is subject to interpretation and we got two different interpretations on it, I would suggest that you get in touch with Mr. Yow and work out what the interpretation is and we all be real clear on that and I think that needs to be decided so everyone is on the same page."

Mr. Berry replied, "I understand completely and that is where it should be worked out. We are willing to meet all the rules and regulations on the PDD. I should have said, to my knowledge, we have complied."

Councilmember Jernigan stated, "As there are with many Ordinances, it is subject to interpretation."

Mr. Berry stated, "If you look up "cluster homes" in the dictionary and in the Real Estate Homebuilders Association, there are different interpretations."

Mayor Miller stated, "I have given twenty -three people an opportunity to speak and I have heard lots of things as it relates to buffers and traffic and I think I have heard you and a lot of people and they are not against the Orchard and I think Mr. Berry is trying to work something out so everyone is happy. I heard him say that putting the road out to Columbia Road is not really feasible. So, it looks like Hillsboro is the location the road needs to go because of safety and other concerns. We are not voting on this tonight, we are going to digest this information from the people who have spoken. I hope that Mr. Berry and the people in the neighborhood can come to an agreement as it relates to the buffer and the positioning of a house. Whether that will happen or not, I don't know. I want this to be an opportunity and it is a Public Hearing for us to listen to what people have to say. If there is anyone who needs to speak or if there is something more that anyone already hasn't said, I will sit here until everyone has had their due. If there is something else to be added other than what has already been presented."

Councilmember Barnwell asked, "Mr. Berry, would you be willing to go to a Type C Buffer?"

Mr. Berry asked, "A Type C Buffer? To be honest with you, I haven't digested all of that paperwork."

Councilmember Barnwell stated, "A Type C Buffer is in the new proposed Zoning Ordinance."

City Administrator Yow stated, "Council can approve a PDD with extra or added conditions, so if Council wanted to look at a Type C Buffer in a PDD, they could do that."

Mr. Berry replied, "I will do what is required, areas are negotiable and could be worked out with the City as far as buffers and others are concerned. I do plan on buffers around that in a very good manner and really that is all that I can say at this point. I plan on protecting the residents property values."

Councilmember Barnwell asked, "That is why I asked about the Type C Buffer for their protection."

Mr. Berry replied, "I have notes and I have a lot on my mind right now in getting back to what types of buffers are needed, we need to get together and decide on what we need or don't need to do prior to next Council meeting."

Councilmember Miller asked City Administrator Yow, "Type C is being asked, please explain this to me."

City Administrator Yow stated, "The buffer types have different densities, trees, foliage. We don't need to try to get overly technical with that tonight. I think Mr. Barnwell is asking, there is a pending Zoning Ordinance that has increased those buffers and we could look at those."

Mr. Salama addressed Council again. "I want to mention that Mr. Berry stated the traffic count was done by us, it was done by the State Transportation Department. Also, you have in your package, minutes of the Planning Commission. What Mr. Berry answers were from the Planning Commission

as well as the article from the Times and Democrat. There are telephone numbers on the documentation that anyone can call to verify this information from the traffic count."

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

Hearing no further comments, the Public Hearing was closed.

Council then entered into the regular scheduled City Council meeting.

A motion was made by Councilmember Jernigan, seconded by Mayor Pro Tem Haire, to approve the May 15, 2007, City Council Minutes. This was a 6-0-1 vote as Councilmember Miller abstained as he was not present at the last meeting.

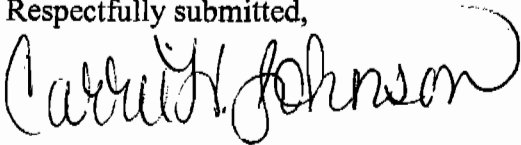
Item #4 on the Agenda, First Reading of an Ordinance amending Section 2-5.3 of the Code of Ordinances for the City of Orangeburg, SC, entitled "Purchasing Procedures" was postponed.

There were no utility matters brought before Council.

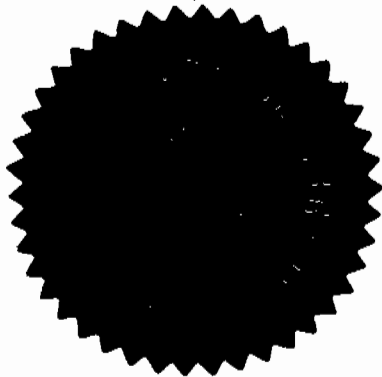
A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to adjourn.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson  
City Clerk



## **CITY COUNCIL MINUTES**

### **June 19, 2007**

Orangeburg City Council held its regularly scheduled meeting on Tuesday, June 19, 2007, at 7:00 P.M., in Council Chambers with Mayor Miller presiding.

**PRESENT:**

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

**ABSENT:**

**Trelvis A. Miller**

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to approve the June 5, 2007, City Council Minutes as distributed.

Mrs. Bernice Tribble, from the Downtown Orangeburg Revitalization Association addressed Council. She stated, "It is my pleasure to announce that Orangeburg has won several awards from the Municipal Association of South Carolina that will be awarded on July 14<sup>th</sup> in Greenville at the annual MASC meeting. The Orangeburg City Council has won the 2006 Main Street Public Service Award. In submitting the nomination, DORA recognized that this Council is progressive and dedicated to restoring downtown Orangeburg. You are to be congratulated for your dedication to public service. Other awards are the 2006 Outstanding Promotional Event for Ferse's 5 and 10 for its 100th Year Anniversary and the 2006 Outstanding New Construction award for the new Department of Public Safety Complex. DORA appreciates the continued support of City Council and we look forward to working with you as we continue to make downtown Orangeburg the best it can be."

Mayor Miller read a Resolution congratulating South Carolina State University for hosting the 2007 Presidential Democratic Debate.

City Administrator Yow addressed Council concerning the First Reading of an Ordinance to establish a Type B Residential Planned Development District, "The Orchard" located at Tax Map# 151-20-04-007 and #174-17-08-004 pursuant to Section 24-6.1 Planned Development District of the Code of Ordinances of the City of Orangeburg, SC. He stated, "At our last Council Meeting, as you know, we had a Public Hearing to hear comments from the neighborhood and from the developer, G. W. Berry and also some other interested parties. City staff has gone back and looked at the minutes and has tried to go back and take the concerns that were addressed, and those of City Council, and we have tried to come up with a recommendation for City Council. We have also met with Mr. Berry on two occasions and have gone over some of the recommendations that City Council now have.

I would like to hand out to you a copy of a proposed Ordinance. I will refer you to the memo in your packet and outline a couple of items. After review of our Ordinance and the plan submitted and in conjunction with our City Attorney Walsh, we have come to the conclusion that this should be a Type B, PDD. This means that it cannot be passed with one reading of a Resolution, it has to be passed by three readings in an Ordinance form. Mr. Berry has been informed of this. It also means that we have the flexibility to negotiate some of the things that we are recommending; however, maintenance plans for the roadways, buffer zones and common areas are required in either type PDD. You will see the requirements in the Ordinance. We haven't determined what the common area will be and how much common area there is. We have asked Mr. Berry to take his plans back and work on this for us and he has agreed to do so. We have pointed out that retention ponds are not something you calculate in the common area, at least not the way they are currently designed, and we have asked for improvements to the retention ponds. We have also specified some buffer areas we would like to see and we have asked him to go back and add those to his plans. Another

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condition is that the infrastructure shall begin within six months of final approval by City Council, if City Council approves it. This should be completed in no more than one year. In other words, we don't want the project to start and drag on and not develop. We have specified in the Ordinance that it is for single family detached dwellings and we wanted to make sure that this was spelled out in the Ordinance. Council can add or delete from these recommendations. One of the things that we did not recommend, which you heard in the Public Hearing, is that we did not recommend the road going out to Columbia Road. After we looked at this, we do not think that this is the best plan for the development district. Some of these things we have asked them to go back and redesign and redraw and see if they will agree to it. We just met last Thursday and they haven't had ample time to resubmit any plans."

Councilmember Jernigan asked, "By changing this to a Type B, PDD, does this have to go back before the Planning Commission and be reviewed by them before we act on it?"

City Administrator Yow responded, "It is our opinion that it does not, Council can change this if they would like to."

City Attorney Walsh stated, "We have complied with all the requirements, even if it was started out as a Plan A."

City Administrator Yow stated, "City Council can add or delete or not approve or approve this. The Planning Commission makes the recommendation to you and you have the final authority."

Councilmember Jernigan stated, "I realize that, I just didn't know whether they had to go back with that process again. I just want to make sure we are not bypassing the system."

City Administrator Yow stated, "I will add to that there is one option that City Council could have though, it is to send it back."

City Attorney Walsh responded, "They could, but you have to realize that the Planning Commission recommended a Type A, which is less restrictive than Type B. Since they recommended Plan A, I don't think it would be likely that they would recommend Plan B."

City Attorney Yow stated, "The other thing we wanted to make sure is that it did not require a land use change, it is all single family residential on the Land Use Map."

Councilmember Barnwell asked, "Under Section 24-6 regarding the established use of land in residential districts, under Type B, you can have wholesale, retail, and multi-family?"

City Attorney Walsh responded, "That is why we addressed it in the Ordinance as Type B Single Family Detached Dwellings."

City Administrator Yow stated, "Council could approve that, but we are not recommending it. That is why on the second page in the Ordinance, it is addressed there."

Mayor Pro Tem Haire asked, "I thought there was some sentiment expressed that the two sides get together and see what they could work out. To your knowledge, do you know if the two sides entered into negotiations since our last meeting?"

City Administrator Yow stated, "It is my understanding that the individual parties have had discussions, I don't know about sides. This is our recommendation."

Mayor Pro Tem Haire asked, "In your discussion, you had presented certain things to Mr. Berry to work out, should we not then table this item and pass over it tonight?"

City Administrator Yow stated, "That is our recommendation."

Mayor Pro Tem Haire made a motion to table the Type B Residential Planned Development, "The Orchard", seconded by Councilmember Barnwell. This motion was unanimously approved.



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Mayor Miller expressed his appreciation in the City's effort in working on this project and hopes that a Resolution can be agreed upon.

City Administrator Yow stated that there would be no meeting on July 3rd and there would be a City Council meeting on July 10th and this item may or may not be on the Agenda.

City Administrator Yow overviewed the amending of the Purchasing Ordinance amending Section 2-5.3 of the Code of Ordinances. The last amendment was done in 1994 and that was amending a policy from 1973. He stated, "Council has heard from the auditors on previous reports, that we needed to address some matters in our Purchasing Ordinance and we have done so using our existing Ordinance as the framework to do so. One of the changes is that the threshold for capitalization would be increased from \$500.00 to \$2999.99. The next item is the amount that the City Administrator has the authority to purchase, if it was budgeted from \$50,000.00 to \$100,000.00. We have clarified some language and Council has already amended some purchasing procedures that give the Mayor and I certain authority in an post disaster. Also, At Risk Contractor was added so that we can take proposals for a contractor to do a job at his risk at a certain price. An example of one is the Federal monies to build hangars. When we did the sealed bids, they came back over budget. We have gone back, changed the design and are now accepting qualifications for the contractors for negotiations for a set price. The FAA has agreed that this is acceptable if this is approved by City Council."

Councilmember Barnwell asked, "Do you have any personal qualms of the Purchasing Agent or whoever it may be, having authorization from \$50,000 to \$99,999.99 to approve a purchase."

City Administrator Yow stated, "They can't do that without my signature, anything above the \$2999.99 comes to me and that means it is on a Purchase Order but they are allowed to get the bids."

A motion was made by Councilmember Jernigan, seconded by Councilmember Rheney, to approve the First Reading of an Ordinance amending Section 2-5.3 of the Code of Ordinances, entitled, "Purchasing Procedures". This motion was unanimously approved.

There were no utility matters brought before Council.

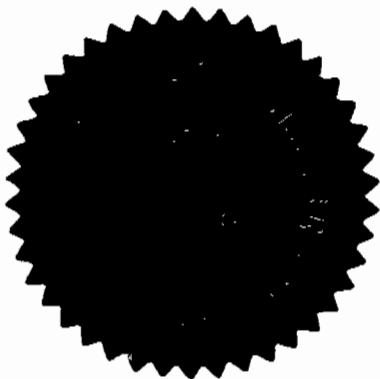
A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to enter into an Executive Session for a contractual matter concerning Wastewater Utilities Agreement with Orangeburg County. This motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson  
City Clerk





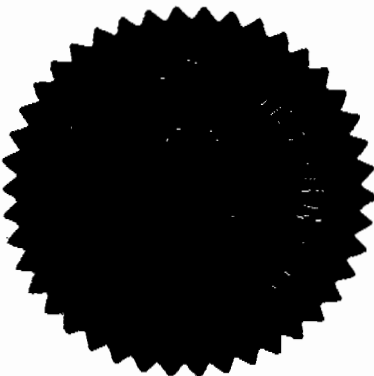


## RESOLUTION


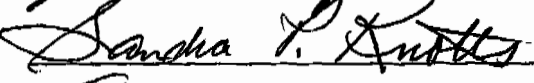
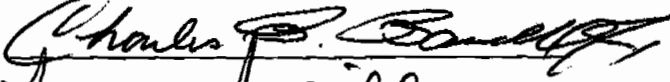
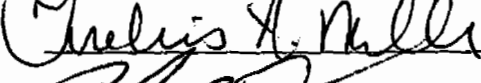

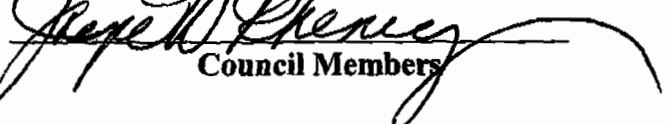
- WHEREAS,** South Carolina State University is a historically black land-grant institution founded in 1896 in Orangeburg, South Carolina; and,
- WHEREAS,** South Carolina State University hosted the first Presidential Debate in the 2008 election cycle; and,
- WHEREAS,** South Carolina State University was featured before a worldwide audience exceeding 9,000,000 viewers on over 600 media entities, including NBC and its affiliated networks; and,
- WHEREAS,** South Carolina State University received over 1.5 million inquiries over various internet sites as a result of the Presidential Debate; and,
- WHEREAS,** the South Carolina State University Board of Trustees, President Andrew Hugine, staff and students are to be congratulated on the exemplary fashion in which the University represented our community and state.

**NOW, THEREFORE, BE IT RESOLVED** that a copy of this Resolution, in appreciation for the University's role in the lives of the citizens of the City of Orangeburg, be placed in the Minute Book of the City and a copy furnished to the University for this accomplishment.

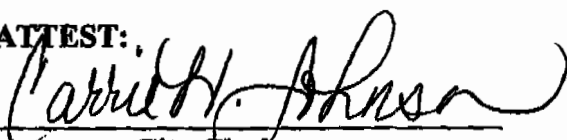
**PASSED BY** the City Council of the City of Orangeburg, State of South Carolina, this 19<sup>th</sup> day of June, 2007.



  
\_\_\_\_\_  
Mayor

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

ATTEST:

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

## CITY COUNCIL MINUTES

### July 10, 2007

Orangeburg City Council held a City Council meeting on Tuesday, July 10, 2007, at 7:00 P.M., in Council Chambers with Mayor Pro Tem Haire presiding. (Only one meeting in July, which was July 10<sup>th</sup> as July 3<sup>rd</sup> canceled because of Holiday and July 17<sup>th</sup> canceled due to budget workshop meetings.)

#### **PRESENT:**

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

#### **ABSENT:**

Paul A. Miller, Mayor

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to approve the June 19, 2007, City Council Minutes as distributed. This was a 5-0-1 vote as Councilmember Miller abstained as he was not present at the last meeting.

Ms. Linda Hazel of 1451 Henley Street addressed Council. She stated, "I have lived at 1451 Henley since 1978 and my issue is that the Father's Day event that has been being held every year is consuming a Sunday afternoon. This year it was very noisy and there was a DJ and an amplifier that continued booming. This noise continued for seven hours. I was told that this year a request was made to City Council for a permit. I think this was done without knowing what the neighborhood actually wanted. These people call it the Sunnyside Reunion and they no longer live there. I surveyed the neighbors on my block and none of us are in favor of this. We don't like the distraction and disturbance and it takes up too much time and Sunday is the most peaceful day of the week that we have. It is also supposed to be a Sunnyside Reunion but once word is out of this gathering, it attracts people from other areas. We have people up and down the street and I had people on my property. I had a young lady standing on my back steps on her cell phone and I feel that if I didn't invite you on my property, then I don't want you on it. She then went next door to my neighbor's house and that neighbor ran her away. As I said, we don't want this event and we just wish you would take into consideration that we are several people on that block. I am not saying they shouldn't have this, but I think they should consider having it somewhere else like the pavilion or Edisto Gardens. To bring it into a private neighborhood, I think, it is a bit too much for us to tolerate this kind of noise."

Councilmember Jernigan asked, "Why is this particular location chosen?"

Ms. Hazel responded, "They say they originally came from Sunnyside and they call it the Sunnyside Reunion. They no longer live there."

Councilmember Barnwell asked, "John, who issues the permits?"

City Administrator Yow responded, "If you recall, this group had some representatives to come before City Council and they had some concerns about the regulations that the City and the Department of Public Safety placed on them. There was not actually a permit issued by City Council this year. What they asked was that they not have to go through the Department of Public Safety on that permit and City Council at that time said they could go on with that event. It is my recollection that we would not limit them and there was no permit signed by City Council. That was pretty much what happened, the group didn't want the Department of Public Safety to regulate them so heavily at this event."

Councilmember Barnwell stated, "But, that is in a residential neighborhood."

Councilmember Rheney asked, "Where is it?"

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City Administrator Yow stated, "I think the central focus of this is centered around the park and playground."

Ms. Hazel stated, "At the back of my home is a basketball court and there is an empty field there and I was told they could not gather there, so they are gathering on the basketball court."

City Administrator Yow stated, "I think that the field is privately owned and they didn't have permission to gather on that property."

Ms. Hazel stated, "It is very much a distraction and when I first called the police, I took the officer to my bedroom to let him know that even though I had the air conditioning on in my room and the television on in my room, there was still a thumping sound that went on for seven hours and that was a bit too much. Previously, we were asked about this and this year we were not even notified. I was told by some of my neighbors that they were unable to rest and there is a 78 year old woman across the street from me who was very much disturbed. The young lady next door to me said that neither her or her child was able to rest and I wasn't able to rest. The event was supposed to stop at 5:00 P.M. and when it didn't stop, I called the police at 5:30 P.M. and they told me that the event was to stop at 6:00 P.M. and I called again and another officer told me he looked at the permit and that they could go until 6:30 P.M. At 6:30 P.M. they didn't stop, so I called again and was told they could go until 7:00 P.M."

A motion was made by Councilmember Barnwell that anyone with such a gathering should have to go through the Department of Public Safety, and this motion was seconded by Councilmember Jernigan.

Councilmember Miller stated, "I hear your concerns. When the group came here, this room was almost full and at the time that they came to express their concerns and this body was open-eared, ready to accommodate this group. I am not saying that you, as a resident, don't have issues there. I sympathize with you, I think there is better means in addressing this situation. (There needs to be means of communication, grounds and limits because next week this group may come back in with petitions signed.) My recollection is that this Council unanimously voted to support this group. I think we are waffling, I think we need to come to some type of common ground, I don't think we need to jump the gun. There is a solution to every problem and it needs to be an amendable solution. I hear your concerns."

Ms. Hazel stated, "I don't think this would be allowed in certain communities. No one consulted me about this."

Councilmember Miller stated, "Did you not know about this when they came to the Council meeting? We put out an agenda and they were on the agenda."

Ms Hazel replied, "I didn't know about it. I also think you should take into consideration what the residents want."

Councilmember Miller stated, "I agree, but this was properly placed in front of Council."

City Administrator Yow stated, "I think we need to go back to the point that they should coordinate with the Department of Public Safety on what the event is and the reasonable noise levels and hours, with the understanding that if the event is too large and the roadways are blocked that the event will be canceled. I think that is what needs to happen in my opinion and is what I would recommend to Council. If you don't want to limit these type of events as she is being asked, then these events should go through the Department of Public Safety. I think in past years, it has gone past 7:00 P.M. and it may have this year if you hadn't voiced your concerns. I think we can not make a quick decision on this tonight. As there are all types of events such as this. I think DPS should contact their coordinator and have them understand that this event be coordinated with them on hours, limits, and matters such as this."

Ms. Hazel responded, "The officer that responded told me that they were not patrolling as much there because they did not want the presence of the police."

City Administrator Yow stated, "City Council controls that and that is a part of the City of Orangeburg and I would hope we would patrol all areas."

Councilmember Barnwell retracted his original motion. He then made a motion that "such events should be coordinated with DPS and such personnel be present if needed, such as police officers." This motion was seconded by Councilmember Jernigan.

Councilmember Rheney stated, "I think we need to study this some more and discuss. I would love to see us take this under advisement and talk about this some more. I think, like City Administrator Yow said, this is a quick decision to have to be made. I can certainly sympathize with you because I hear that boom, boom sound from the streets of Broughton and Hillsboro and I know what you are talking about. I think we need to take this under consideration."

Mayor Pro Tem Haire asked if there were any objections from the body and hearing none, this item was taken under advisement.

Mr. Don Tribble, Orangeburg County Community of Character Director, accepted from Mayor Pro Tem Haire, the July Character Trait Proclamation "Citizenship".

A motion was made by Councilmember Jernigan, seconded by Councilmember Knotts, to accept the FAA Grant in the amount of \$91,736 for expanded apron design at the Orangeburg Municipal Airport, with authorization being given to City Administrator Yow for acceptance.

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to appoint Mr. John Wolfe to the Planning Commission for Council District #6. This is to fill an unexpired term of Ms. Eleese Baxter, who is no longer in Orangeburg. This term will expire January, 2008.

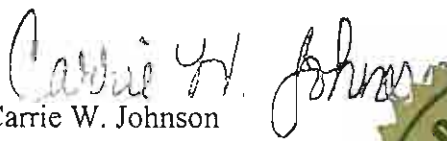
A motion was made by Councilmember Knotts, seconded by Councilmember Rheney, to approve the Second Reading of an Ordinance amending Section 2-5.3 of the Code of Ordinances for the City of Orangeburg, SC, entitled "Purchasing Procedures". This motion was unanimously approved.

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

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

There being no further business, the meeting was adjourned.

Respectfully submitted,

  
Carrie W. Johnson  
City Clerk

/pfb



## BUDGET WORKSHOP MINUTES

### July 17, 2007

Orangeburg City Council held a Budget Workshop Meeting on Tuesday, July 17, 2007, at 5:30 P.M. in Council Chambers with Mayor Miller presiding. An invocation was given by Mayor Pro Tem Haire.

#### **PRESENT:**

Paul A. Miller, Mayor  
 Bernard Haire  
 Charles W. Jernigan  
 Sandra P. Knotts  
 Trelvis A. Miller  
 Joyce W. Rheney  
 John H. Yow, City Administrator  
 W. Kevin Bronson, Assistant City Administrator  
 Carrie W. Johnson, Finance Director

#### **ABSENT:**

Charles B. Barnwell, Jr.

(Note: Mr. Barnwell had previously notified City Administrator Yow that he would not be present on July 17<sup>th</sup> but could attend the July 18<sup>th</sup> meeting. Also, that he would review all budget documentation with City Administrator Yow.)

City Administrator Yow overviewed the Projections for Fiscal Year 2006-07 for revenues and expenses by Fund. It is currently projected that General Fund Revenues will exceed expenditures by approximately \$13,000 without using any of the budgeted Fund Balance.

City Administrator Yow overviewed the highlights of the Budget for Fiscal Year 2007-08.

#### **HIGHLIGHTS OF GENERAL FUND EXPENDITURES**

3% Cost of Living Raise for all employees	\$ 276,000
6% Increase in Medical/Dental Insurance	\$ 80,000
(City pays all for employees and a portion for dependents and retirees)	
Merit pay for reviewed and approved list of employees; approximately 20-25 employees	\$ 52,000
No new employees in General Fund; one part time at Hillcrest Golf Course	
Capital Equipment to be financed	\$1,130,500
Fire Pumper	\$ 300,000
Residential Sanitation Truck	\$ 215,000
Recycling Truck	\$ 100,000
Residential Grapple Unit	\$ 100,000
Other tractors, trailers, trucks, vehicles, mowers, backhoe, dumpsters, garage equipment	\$ 400,000
Upgrade at Hillcrest Recreation Complex (2% Fund)	\$ 100,000
Repairs, replacements at DPS Station #2	\$ 50,000
Limits on Tuition Reimbursement Per Year to \$6,000 per employee	

#### **GENERAL FUND REVENUE HIGHLIGHTS**

Proposed 2 mill property tax increase (Equate to be on \$100,000 house)	\$ 68,000
No Business License Rate increase; this area of revenue continues to grow annually	
No Residential Sanitation Increase	
Commercial Sanitation Increase to offset County Tipping Fee (4%) or \$1.50 per ton	
Increase in Department of Public Utilities Transfer	\$ 200,000
No Fire Contract Rate Increase	
Building Permit/Inspection Increase (last 1983)	\$ 35,000 = 1 mill

Fund Balance Budgeted	\$ 440,000
Hospitality/Accommodations Tax Transfer	\$ 195,000
Fire Equipment Reserve brought forward to FY 07-08	\$ 150,000
Insurance Business Licenses continues to be a substantial source of income	
Private Donations	\$ 80,000
Hillcrest –10% increase in membership revenues	\$ 11,000
State and Federal Grants –General Fund	\$ 211,000
Other Federal Grants at Airport	

A brief discussion was held on the Department of Public Utilities transfer and the amount and the declining profits from the Department of Public Utilities, prior to the recent electric rate adjustment.

Mayor Miller brought up the possibility of increasing fire contract rates due to fairness issue, and as incentive for annexation.

Councilmember Jernigan asked about the Hangar Project. City Administrator Yow outlined what the bids for the hangars came in for, what was cut from the bid to lower it due to the City doing some of the work and where the additional monies were coming from to cover the Hangar Project. Primarily, an additional \$150,000 will have to come from other capital project.

City Administrator Yow went over the medical insurance rates and the proposed 6% increase in rates. Generic prescription rates were discussed. He stated that we were not raising the deductible. It would stay at \$350.00. Co-pays for prescriptions were discussed and the increased rates going from 12/27/50 to 12/30/60. Co-pays for doctor visits were discussed and will go from \$25/\$35 to \$35/\$50.

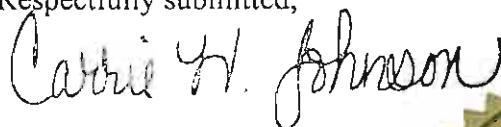
Fire contract rates were discussed again to increase them by 10% and to decrease the reserve budget approximately by the amount of the fire contract increase. All were in agreement of this.

The issue of increasing the salary for Mayor and Councilmembers was brought up by the Mayor to remind Council that this is the year that the increase could be done due to an election year. All were in agreement not to increase the salary of Mayor and Council and leave it like it is now.

Everyone was in agreement with administrator's recommended budget with an increase in the fire contract rates by 10% and adjust the budgeted cash reserve by a corresponding amount.

The meeting was then adjourned.

Respectfully submitted,



Carrie W. Johnson  
City Clerk

/pfb



## CITY COUNCIL MINUTES AUGUST 7, 2007

Orangeburg City Council held its regularly scheduled meeting on Tuesday, August 10, 2007, at 7:00 P.M., in Council Chambers with Mayor Miller presiding.

### **PRESENT:**

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

A motion was made by Councilmember Jernigan, seconded by Councilmember Barnwell, to approve the July 10, 2007, City Council Minutes as distributed. This was a 6-1 vote. Mayor Miller abstained as he was not present at the last meeting.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Rheney to approve the July 17, 2007, Budget Workshop Minutes as distributed. This was a 6-1 vote. Councilmember Barnwell abstained as he was not present at the Budget Workshop meeting.

Mayor Miller stated, "We had an outstanding event in Stevenson Auditorium, that was put on by DORA, in which we had two nights of wonderful entertainment. He stated that he always knew that we had a lot of talent in the community, but was not aware that we had the level of talent that he heard. On Friday night, August 3rd we had twenty-one individuals that sang different songs and the judges narrowed it down to six with a tie. On Saturday night, August 4<sup>th</sup>, they had a sing off and the judges selected the first ever Orangeburg Idol, Lisa B. Haynes, a patient counselor at The Regional Medical Center. She is married to Raymond Haynes and they have a sixteen month old son, Malachi. Mayor Miller and members of Council presented Mrs. Haynes with a Proclamation proclaiming, Saturday, August 4, 2007, as Lisa B. Haynes Orangeburg Idol Day in the City of Orangeburg.

Mrs. Bernice Tribble stated, "DORA saw it as an opportunity to showcase the tremendous talent we have in Orangeburg. She gave a special thanks to Edna Fisher, Curt Campbell, Michael Bedenbaugh and Randy Etters."

Mayor Miller and DPU Director Boatwright presented Resolutions and gold watches to three retirees from the Department of Public Utilities. The three employees have collectively served 106 years and 2 months.

Ms. Edna Jo Canady received a Resolution and gold watch for her 35 years, 11 months and 1 day of service to the Department of Public Utilities, Administrative Department, with a retirement day of July 31, 2007. Ms. Canady thanked everyone and stated that this had been a very important part of her life. DPU Manager Boatwright stated that he could not do any of these employees justice with the work and job that they have done for DPU. Ms. Canady worked in the accounting department and done her job well. Mike Sells gave thanks to Ms. Canady and the service she gave to DPU and that she would be sorely missed.

Ms. Debra S. Zorn received a Resolution and gold watch for her 35 years, 2 months and 6 days of service to the Department of Public Utilities, Administrative Department, with a retirement day of July 31, 2007, DPU Manager Boatwright stated that Ms. Zorn was an excellent employee and an extraordinary lady and an asset to DPU. Mike Sells stated that Canaday and Zorn were a great tag team in the accounting department and both will be sorely missed. Ms. Zorn thanked DPU for being good to her and her family throughout her years with the department.



**Page 2**

Mr. Harold Guinyard received a Resolution and gold watch for his 35 years and 23 days with a retainment date of June 30, 2007, in the Electric Division. Mr. Boatwright stated that Mr. Guinyard was "Mr. DPU" and that he was a faithful and dedicated employee and words could not explain what he has done for DPU. You could always count on him and he knew where everything was. John Bagwell stated that he could not top Mr. Boatwright but want to congratulate Mr. Guinyard. Mr. Guinyard thanked everyone and he appreciated everything that DPU had done and hopes to continue to see everyone.

Mr. N. J. Omny Thompson – with Omny W. Incorporated, which is an independent Education and Performing Arts 501 (c) (3), Not for Profit, Corporation, founded in Orangeburg on November 1, 2006 addressed Council. They have started Orangeburg Mass Choir which is hosted at Williams AME Chapel on every Saturday from 2 – 4 PM. They teach interested individuals about gospel music for free. They provide the literature so that individuals can take this literature back to their local churches and teach there as well. One event that they have planned in Orangeburg is the September 11<sup>th</sup> Commemoration that will be held on Sept 11, 2007, at the County Fair Grounds. Each Councilmember was given some materials in their packet that briefly outlined the different events the Omny W. Inc. has planned. At the Sept 11<sup>th</sup> Commemoration they are going to focus on, "Remember, Reflect and Empower". At this event they want to empower the community to live better and they are expecting 6000 people and the event is free to the public. Mayor Miller commended Mr. Thompson on his tenacity for bringing a program of this nature to Orangeburg and the community.

Councilmember Jernigan asked about contact information and City Administrator Yow stated that he had the information, but it was also in the packets

Mr. Thompson stated that he would be providing additional information as they start more programs.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Knotts, to approve the Third Reading of an Ordinance amending Section 2-5.3 of the Code of Ordinances for the City Orangeburg, SC entitled, "Purchasing Procedures".

Mayor Miller proclaimed August 7, 2007, as "National Night Out" in the City of Orangeburg and asked Chief Wendell Davis to deliver the Proclamation to Marshall Elementary School where the festivities for this were being held.

Mr. Don Tribble, Orangeburg County Community of Character Director, along with Ms. Kirkland and Ms. Davis from Orangeburg School District 4, accepted the Proclamation for the Community of Character Trait, "Respect" for the month of August, 2007. Ms. Kirkland and Ms. Davis are responsible for working with a new program, Champions for Character, this year with the high school.

City Administrator Yow stated that an amended agenda was distributed adding an additional item to the Executive Session.

City Administrator Yow presented the First Reading of an Ordinance amending the Budget for the City of Orangeburg for the Fiscal Year beginning October 1, 2006 and ending September 30, 2007. He stated, "This is done each year so that Council can get a clear picture as to where the City stands on the cut budget. Currently, final projections for Fiscal Year ending 2006-07 with revenues exceeding expenses by \$13,000 and that does not include us spending any of the fund balance (cash reserve) money that was used to balance the budget last year. It has long been a practice to budget fund balance monies to get a balanced budget. We always strive to budget as small of a fund balance as possible and we strive not to spend the fund balance that we budget." Mr. Yow asked for questions and there were no questions, but one comment by Mayor Miller. He thanked City Administrator Yow and his staff for managing the budget each year. City Administrator Yow stated that he hoped to exceed expenses by at least \$20,000 and that it is all done as a team effort.



**Page 3**

A motion was made by Councilmember Rheney, seconded by Councilmember Barnwell, to approve the First Reading of an Ordinance amending the Budget for the City for the Fiscal Year beginning October 1, 2006 and ending September 30, 2007. This motion was unanimously approved. City Administrator Yow stated that the next item was an Ordinance to raise revenue to adopt a Budget for the City for Fiscal Year 2007-08.

City Administrator Yow thanked City staff who participated in putting together a budget to bring before City Council and that would include Kevin Bronson and Carrie Johnson. He also thanked Council for the Saturday session that they attended to help get a budget prepared. City Administrator Yow stated he would give a brief overview and reminded Council that a Public Hearing will be held before the second reading. Each Councilmember was provided an Executive Summary of the balanced budget and City Administrator Yow stated he would go over it. He stated that Council always wants to maintain the same level of service to the citizens, even improve the services we provide. The total budget is \$16,751,037. This does include all operational costs, capital equipment and all debt service. This also includes any grants and private donations that we will receive and all of these items are in our budget.

Some highlights are:

A 2 mill tax increase. We are currently at 83 mills and this would make it to 85 mills with an \$8 increase on a \$100,000 house. Each mill equals \$4. This increase is well within the state mandated level of the consumer price index of 3.2%. There was some discussion of going to three mills, but it was decided to stay with two. The 85 mills also includes the debt service as stated earlier.

There is no increase in business license rates. The business license income continues to be healthy and grows annually. Council has elected not to increase this rate. City Administrator Yow stated he wasn't even sure of the last time that the business license fee was increased, but it has been some time ago.

There is no residential sanitation fee increase. This fee is collected on the DPU bill each month which covers roll carts, yard debris and recyclables.

There is an increase in the commercial sanitation fee of 4% which is solely to offset the tipping fee that we have to pay at the county landfill. Each time that our truck goes across the scale we have to pay the fee and as the fees increase, then we have to pass it on. The County is the ultimate recipient of this fee.

There is an increase in the transfer from the Department of Public Utilities of \$200,000 per year.

Fire Contract rates will increase 10%. This fee is for persons outside the city limits that do not pay property taxes to the city, but do receive the benefit of fire protection and the City's ISO fire rating.

The last time the City increased the building inspection fee was in 1983. It was not realized it had been that long until Public Works did some research. We surveyed other cities and will be bringing our rates up to meet most other municipalities.

City Administrator Yow stated we have budgeted \$380,000 in the fund balance or (cash reserve) with the goal to not spend that money, but it is a budgeted revenue source.

The Hospitality/Accommodations Tax transfer is a transfer into the General Fund. The State Law allows the transfer of 20% of that money to support operations and maintenance of such things as the Gardens and ballfields.

We brought forward \$150,000 in the Fire Equipment Reserve. Council puts money in a reserve annually and as that money accumulates and we have a large fire equipment purchase, then we bring that money forward. We have a pumper truck budgeted this year at \$300,000.

We continue to receive private donations and State and Federal Grants.

**Page 4**

The only other increase in the budget is off the General Fund and that is the memberships rates at Hillcrest.

Some of the larger expenses are for employees. Council has always taken the position that they will provide a safe and professional environment for our employees to work with competitive benefits. This year there is a 3% Cost of Living raise for all employees and merit raises for approximately thirty employees. City Administrator Yow stated that this was the 17<sup>th</sup> budget that he has worked on and Council has given merit raises for some employees and Cost of Living raises every year for all employees.. There is a 6% increase in medical and dental insurance. This is well below the State and national trend.

There are no new full time employees budgeted this year. The only position is a part time employee for Hillcrest.

A few of the capital items are a new fire pumper, a residential sanitation truck, a recycling truck and a residential grapple unit, totaling \$700,000.. In addition, there is another \$400,000 of assorted items, i.e. police cars, trucks, mowers and tractors. This year the budget is at approximately \$1.2 million in capital items. There is also around \$100,000 to upgrade some of the facilities at Hillcrest Recreation Complex. The only other major repair is at the DPS Substation II, which is around \$50,000. Mayor Miller commended City Administrator Yow on the budget preparation and there were no questions from Council.

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 for the Fiscal Year beginning October 1, 2007 and ending September 30, 2008. This was a 6-1 vote as Councilmember Barnwell opposed.

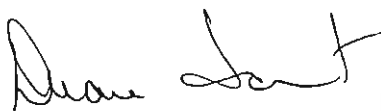
Mr. Boatwright, DPU Manager, stated that he had no other business for Council and reminded Council of the DPU Budget meeting on Tuesday, August 14th at 5:30 P.M., in the Assembly Room at DPU.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to enter into an Executive Session for the a contractual matter concerning Economic Development County/City Spec Building at Joint County/City Industrial Park, three legal matters, (1) concerning DPS potential litigation, (2)Time Warner Entertainment Petition to deregulate basic rates and(3) Public Works litigation concerning condemnation of property. This motion was unanimously approved.

Mayor Miller stated that Council would not return to Open Session.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Duane Tarrant  
Assistant City Clerk

DT/pfb





## RESOLUTION

- WHEREAS, Debra S. Zorn, faithfully served the Department of Public Utilities of the City of Orangeburg for thirty-five years, two months and six days with a retirement date of July 31, 2007; 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. Zorn in recognition of her services.

PASSED BY the City Council of the City of Orangeburg, State of South Carolina, this 7<sup>th</sup> day of August 2007.



Paul G. Miller  
Mayor

James W. Keneaf

Charles B. B. B. B.

Chuck Johnson

James H. H.

Sandra T. T.

Inelvis A. Miller  
Members of Council

ATTEST:  
Carrie N. Johnson  
City Clerk



## RESOLUTION

- WHEREAS, Harold Guinyard, faithfully served the Department of Public Utilities of the City of Orangeburg for thirty-five years and twenty-three days with a retirement date of June 29, 2007; 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. Guinyard in recognition of his services.

PASSED BY the City Council of the City of Orangeburg, State of South Carolina, this 7<sup>th</sup> day of August 2007.



*Paul A. Miller*  
\_\_\_\_\_  
Mayor

*James W. Henney*  
\_\_\_\_\_

*Charles B. Barwell*  
\_\_\_\_\_

*Charles Dyer*  
\_\_\_\_\_

*James Hain*  
\_\_\_\_\_

*Sandra P. Fritts*  
\_\_\_\_\_

*Isabel A. Miller*  
\_\_\_\_\_  
Members of Council

ATTEST:  
*Carrie N. Johnson*  
\_\_\_\_\_  
City Clerk



## RESOLUTION

WHEREAS, Edna Jo Canady, faithfully served the Department of Public Utilities of the City of Orangeburg for thirty-five years, eleven months and one day with a retirement date of July 31, 2007; 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. Canady in recognition of her services.

PASSED BY the City Council of the City of Orangeburg, State of South Carolina, this 7<sup>th</sup> day of August 2007.



*Paul A. Miller*

Mayor

*Joseph W. Phelan*

*Charles B. Bannett Jr.*

*Chad Duncan*

*Edward Hair*

*Sandra F. Knotts*

*Irvelis A. Miller*

Members of Council

ATTEST:

*Carrie H. Johnson*

City Clerk



**CITY COUNCIL MINUTES**  
**SPECIAL SESSION - AUGUST 14, 2007**

Orangeburg City Council held a Special Session Meeting on Tuesday, August 14, 2007, 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. 1811

PRESENT: Paul A. Miller, Mayor  
Bernard Haire, Mayor Pro Tem  
Charles B. Barnwell  
Charles W. Jernigan  
Sandra P. Knotts  
Joyce W. Rheney

ABSENT: Trelvis A. Miller, Sr.

Mayor Miller opened the meeting by thanking everyone for attending the Special Session of City Council. A special welcome was extended to Cameron King attending the Council meeting to fulfill requirements for a Boy Scout Merit Badge.

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 2007-2008 budget. 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 3% 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 the cost of coal has remains very high). No rate changes are anticipated for the Electric Division this coming fiscal year.

**Gas Division** – Anticipating an approximate 3% growth in the Gas Division next year. The Gas Division cannot predict what the gas market will be in the future but at least for the time being we feel the market prices have stabilized to some degree. Our goal is to achieve substantial savings for our customers by diligent purchase and load control measures. No rate changes are anticipated in the Gas Division this coming fiscal year.

**Water Division** – Anticipating an approximate 4% growth in the Water Division. The cost of operating and maintaining the water system continues to rise. Expenses due to regulatory issues are the major driving factor in the water industry. Rate increases last year has helped stabilize water revenues. No rate changes are anticipated in the Water Division this coming fiscal year.

**Wastewater Division** – The Wastewater Division is experiencing modest growth. We are continuing to act as the County's contractor for certain of their one-percent (1-%) sales tax water and wastewater projects which are adjacent to our existing distribution and collection systems. Our agreement is that we will act as the County's contractor, having full control over engineering and design of the projects, that we will pay for the engineering and construction observation and that the County will reimburse us for all construction costs. As the projects are completed, the installed infrastructures become assets of the City of Orangeburg owned and operated by DPU. It is my opinion that this is a very good deal for both the County and the City and represents how it is possible for both of us to work together for the benefit of the citizens we all serve. No rate changes are anticipated in the Wastewater Division this coming fiscal year.

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Manager Boatwright stated this is a sound budget that relies on growth for the increased revenues required to continue to meet our obligations of:

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

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

Manager Boatwright stated spending on capital projects in Fiscal year 2007-2008 would not be as aggressive as past years. There are no new capital projects in the Administrative, Gas, Water and Wastewater Divisions, but there are three (3) new capital projects in the Electric Division. All the remaining projects are carry-overs from the previous year due to projects taking many years to complete.

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
- Water Division..... D. Eric Odom, Director
- Wastewater Division ..... Richard M. Labrador, Director

**ELECTRIC DIVISION PROJECTS**

**Project #1 - Distribution Automation**

Total Project Cost:	\$1,535,000
Expenditures to Date:	\$ 588,650
Estimated 2007-2008 Cost:	\$ 500,000

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 and improving our efficiency by automating the distribution system management/restoration process.

Two (2) years ago the Electric Division implemented a pilot project of Distribution Automation to help manage outages, minimize the length of the outage and closely monitor the Electric Division's Distribution System from the DPU main office. The pilot project has been very successful. Our plan is to continue with the Distribution Automation throughout the DPU Electric Distribution System. In our initial pilot project the Electric Division deployed 18 "Dynamic Protection Devices" (DPD's) and coordinated the DPD's with DPU's substations and installed a SCADA system software package to monitor and provide solutions in the event of a major outage. This project will consist of purchasing data communication systems with remote access points and motor controlled switches and DPD"s for another 26 switch points.

**Project #2 - Miscellaneous Electric Division Construction**

Total Project Cost:	\$ 940,000
Expenditures to Date:	\$ 0
Estimated 2007-2008 Cost:	\$ 500,000

The purpose of this project is to improve the Electric Division's substations and distribution plant by upgrading our existing substations with modern equipment, integrating small substations into large existing substations, refurbishing existing underground facilities, expanding our fiber optic network and replacing some of our wooden transmission poles.

**Project #3 - Diesel Peak Shaving Power Plant Modifications**

Total Project Cost:	\$1,150,000
Expenditures to Date:	\$ 0
Estimated 2007-2008 Cost:	\$1,150,000

The purpose of this project is to replace and update the antiquated generator panel and engine control panels of the two (2) "Enterprise" diesel engines at the Diesel Peak Shaving Power Plant, each with a 7.0 megawatt "Ideal" generator. These units went into operation in 1987 and have saved DPU customers approximately \$30 million dollars in electric capacity costs. The current control system is of pneumatic design and parts are no longer available, because the manufacturer has gone out of business. The plant is to replace the entire control system with an electronic PLC based system.

**GAS DIVISION PROJECTS**

Gas Division Director O.Thomas Miller (Tommy) reported there were no new capital projects in the Gas Division for Fiscal Year 2007-2008.

He updated Mayor and Council regarding the two (2) previously approved projects in last year's budget:

- Project #1 – Natural Gas Service on Kennerly Road
- Project #2 – Natural Gas Service on Cook Road

He stated the Gas Division anticipates these two (2) projects to be completed within the next 60 days.

Mayor Miller commended Director Tommy Miller and Dave Durgin, Superintendent of Gas Purchasing/Accounting & Operations for the Gas Division, for their efforts of purchasing gas from the open market and searching for the lowest price and saving its rate payers approximately \$3 million dollars.

**WATER DIVISION PROJECTS**

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

Total Project Cost:	\$3,500,000
Expenditures to Date:	\$ 85,450
Estimated 2007-2008 Cost:	\$3,414,550

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.

**Project #2 - Elevated Storage Tank Painting**

Total Project Cost:	\$1,476,000
Expenditures to Date:	\$ 665,500
Estimated 2007-2008 Cost:	\$ 468,700

Continuation of an approved/ongoing 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**

Project Cost:	\$1,125,000
Expenditures to Date:	\$ 0
Estimated 2007-2008 Cost:	\$1,125,000

Continuation of an approved/ongoing project. The purpose of this project is to accommodate future growth of the wastewater system and the proposed wastewater flows associated with the 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.

**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, 2007 through September 30, 2008.

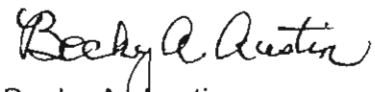
A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Rheney, to accept the First Reading of an Ordinance to Adopt the 2007-2008 Annual Budget for the Department of Public Utilities. This motion was unanimously approved.



181 A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Knotts to go into Executive Session and not return to Open Session to discuss a contractual matter regarding the Economic Development County/City Spec Building at the Joint County/City Industrial Park.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Becky A. Austin  
Secretary to Manager  
Department of Public Utilities



## **CITY COUNCIL MINUTES**

### **AUGUST 21, 2007**

Orangeburg City Council held its regularly scheduled meeting on Tuesday, August 21, 2007, at 7:00 P.M., in Council Chambers with Mayor Miller presiding.

**PRESENT:**

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

**ABSENT:**

**Trelvis A. Miller**

Two Public Hearings were held on the following: (1) To raise revenue and adopt a budget for the City of Orangeburg, SC, for the fiscal year beginning October 1, 2007 and ending September 30, 2008. (2) To adopt a budget for the operation of the Department of Public Utilities for the City of Orangeburg for the fiscal year beginning October 1, 2007 and ending September 30, 2008.

Mayor Miller opened the first Public Hearing to raise revenue and adopt a budget for the City of Orangeburg, SC, for the fiscal year beginning October 1, 2007 and ending September 30, 2008, for comments. Hearing none, the Public Hearing was closed.

Mayor Miller opened the second Public Hearing to adopt a budget for the operation of the Department of Public Utilities for the City of Orangeburg for the fiscal year beginning October 1, 2007 and ending September 30, 2008, for comments. Hearing none, the Public Hearing was closed.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the August 7, 2007, 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 August 14, 2007, Special City Council Minutes as distributed. This motion was unanimously approved.

Mr. Eugene Robinson addressed Council. He read information pertaining to erecting a plaque at the Sunnyside Playground in honor of Reverend Daniel M. Minus who was principal of the colored school located between Scott Street and Henley Street. This school was later named Sterling School. He stated, "A lot of people don't know that this school was on the site of this playground and we just want to remember him. We just think this is appropriate and proper to do this."

Mayor Miller stated that Council would like to take this matter under advisement and digest this information and see if we can move forward on this soon.

Mr. Aaron Haire representing Alpha Phi Alpha Fraternity, Inc., from South Carolina State University addressed Council. He stated, "We come today to present a proposal for the City of Orangeburg for the First Annual Run for the Dream Mini Marathon."

Mr. Aaron Robinson addressed Council as the Chapter President of Alpha Phi Alpha Fraternity of South Carolina State University. A map was passed out to Council along with other information. He stated, "On March 1, 2008, a Run for the Dream Mini Marathon is being planned in the City of Orangeburg, which would consist of a 7 mile race or a 3 mile walk. Our primary goal is to raise funds and awareness for the Martin Luther King Memorial in Washington, DC. Ground was broken on this project this past year. It is a 100 million dollar project. We would also like to raise funds for a local charity." He further explained what the memorial would be and who is erecting this

**Page 2**

Memorial. " He stated, "At present, the fund-raising is at \$81 million with \$19 million to go. This is a national project by the Alpha Phi Alpha Fraternity. Donations will be solicited as well. This is something that will affect Orangeburg, and it will continue to keep Orangeburg up front in the country. As you can see from the map, we will start and end at SCSU. We hope this will bring a lot of energy to Orangeburg next year."

City Administrator Yow stated, "The Department of Public Safety and Public Works will need to review the proposed routes and someone will contact you in regards to barricades and street closings to make sure this route works."

Mayor Miller asked if there was a goal for the fund-raising? It was stated that no specific number was in mind, but hopefully in the near future, they could bring back a specific goal.

Lt. Loretta Davis of the Department of Public Safety addressed Council and showed a presentation in reference to the Rotary International Group Study Exchange Program. She will be traveling to South Africa for five weeks. She thanked Mayor & Council for this opportunity and City Administrator Yow for the opportunity and support.

A motion was made by Councilmember Rheney, seconded by Mayor Pro Tem Haire, to approve the second Reading of an Ordinance amending the 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.

City Administrator Yow briefed Council on the revenues and expenses for Fiscal Year 2007-08. He stated, "The General Fund is \$16,751,037 and includes all operational costs, debt service and capital outlay, not inclusive of the 2% or 1% funds. It includes a 3% Cost of Living raise and various merit raises. It includes no new positions in the General Fund and one part-time position at Hillcrest. There will be a 6% increase in health insurance. We are funding a fire pumper, recycling truck, grapple unit and a residential sanitation truck as well as other vehicles and equipment. In revenues, there will be a two mill increase that will generate approximately \$68,000 and there will be a 4% increase in commercial sanitation fees, mainly to offset the increase in the County tipping fees. There will be no increase in business license fees or residential sanitation fees. There will be an increase in building permit fees as these have not increased since 1983. There will be a \$200,000 increase in the Department of Public Utilities transfer and a 10% increase in fire contract fees."

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Knotts, 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, 2007 and ending September 30, 2008.

Councilmember Barnwell stated, "I am going to vote for this; however, I have a concern where there is a 3% cost of living increase, as we increased health insurance 6% and we increased the co-pays on prescription drugs and on office visits. I just feel this may offset the 3% raise is all."

The motion was unanimously approved.

City Attorney Walsh addressed Council in regards to the City to oppose a petition that Time Warner has submitted to the FCC to deregulate basic cable. Attorney Walsh stated that there are ten other cities or jurisdictions named in this. The law firm of Miller and Van Eaton of Washington DC has agreed to represent the cities and jurisdictions in opposing this petition with the FCC.

A motion was made by Councilmember Barnwell, seconded by Councilmember Rheney, to give City Administrator Yow the authority to oppose the Time Warner petition and enter into a retainer agreement with Miller and Van Eaton in regards to this matter. This motion was unanimously approved.

City Administrator Yow stated that Councilmember Barnwell asked that discussion of the Solid Waste Ordinance and abuses by some persons and entities be placed on the agenda.

**Page 3**

Councilmember Barnwell stated, "My main concern is that if a contractor repairs something, they are supposed to take the materials with them and not put them by the road for the City to pick up. I have seen a number of instances where they put them by the road for the City to pick up. I have also seen citizens putting refrigerators, washers and dryers by the road. We have to pick them up because it is unsightly, but I think they ought to be fined."

City Attorney Yow responded, "First, you are correct when a contractor does work, they are supposed to take their materials with them and several are not. The Ordinance does state that we are to pick up white goods and furniture. Residents are supposed to let us know so we can pick them up as special delivery. It becomes to be a problem is when a landlord has multiple units and they put multiple items out at one time. Technically, that is a business and they need to remove the items themselves. Where there is a problem is on an eviction where the landlord can place the tenants items out by the road. By the time we see it, it is scattered. The Ordinance section that pertains to this is on page 1505, 15-6.3, C, it is the responsibility of the landlord and not the City for clean up of rental property. We have been discussing this a lot at staff meetings lately and we had a violation on this just this morning."

Public Works Director Bowden stated, "On the appliances, we pick those up routinely each week."

City Administrator Yow stated, "That is right, but not on rental property."

Mayor Miller stated, "On property where an eviction notice has been issued, the landlord can put the items on the street, right?"

City Administrator Yow replied, "Our Ordinance states it is his responsibility to dispose of these items."

Mayor Miller stated, "If they have been evicted and they didn't get their stuff, do they not have any rights to their property?"

City Administrator Yow stated, "State law allows them to place it on the curb and that is why we have this on the agenda tonight because we need to do some research and discuss this and find out how aggressive you want us to be. It is a constant problem when some people are following the law and being good citizens and others are not, it is really unfair. We have had situations where people bring garbage from outside the city inside the city, even landscaping materials, and we will issue tickets. There is also a section in here on revoking a business license. If we have someone who continues to defy this Ordinance, you are going to see some business license revocations before you."

Mayor Miller stated that he see things on Green Street all of the time on the street. "If it is evictions, where does the landlord take it?"

Public Works Director Bowden replied, "He has to take it to the landfill and pay to dispose of it."

City Administrator Yow stated, "That is the reason people are bringing in items from outside the City putting it on the street so they don't have to pay landfill costs. Some of the costs that you just approved in the budget are some of the costs we are incurring from placement of these materials."

Councilmember Rheney stated, "The thing that concerns me is the white goods. If someone installs a hot water heater for you, they should take the old one with them and dispose of it. I think this needs review."

City Administrator Yow stated, "I don't know if they have any way to dispose of furniture. Can I suggest if you have any questions or concerns to get with me as we are reviewing this with staff. A lot of our local businesses adhere to the Ordinance better than those from out of town or out of state."

**Page 4**

Mayor Pro Tem Haire stated, "I see sometimes where carts are not being removed from the street and I think it is in the Ordinance. I think when new people come in, they should be reminded."

City Administrator Yow stated, "That is in the Ordinance and it is on page 1503 as to the times your cart can and cannot be on the street. That becomes a problem when animals or wind storms knock them over."

Public Works Director Director Bowden overviewed a construction project at the Orangeburg Municipal Airport to construct a 10 unit T-Hangar building using Construction Manager At Risk Contractor, Trident Construction from Charleston in the amount of \$893,313.00. He overviewed the procedures that were done in order to get the bids, the design team and what value engineering was done to bring this project to the amount below projections.

A motion was made by Councilmember Jernigan, seconded by Mayor Pro Tem Haire, to authorize City Administrator Yow to execute a contract in the amount of \$893,313 with Trident Construction Company. This motion was unanimously approved.

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to approve the Second Reading of an Ordinance to adopt a budget for the operation of the Department of Public Utilities for the City of Orangeburg for the fiscal Year beginning October 1, 2007 and ending September 30, 2008. This motion was unanimously approved.

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to enter into an Executive session for (1) purchase of real property concerning the Parks and Recreation Department and (2) a personnel matter regarding the appointment of a temporary Municipal Judge. This motion was unanimously approved.

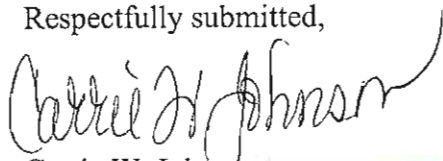
Council returned to Open Session.

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to temporarily appoint Frank Quattlebaum as a temporary Municipal Judge due to Municipal Judge Barney Houser being out due to medical reasons for at least three court sessions. This was a 5-0-1 vote as Mayor Pro Tem Haire abstained.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Jernigan, to approve a Special City Council Meeting on Monday, August 27, 2007 at 12:00 Noon. This was unanimously approved.

There being no further business, a motion was made by Mayor Pro Tem Haire, seconded by Councilmember Jernigan, to adjourn.

Respectfully submitted,



Carrie W. Johnson  
City Clerk



CITY COUNCIL  
SPECIAL MEETING  
August 27, 2007

Orangeburg City Council held a Special City Council Meeting on Monday, August 27, 2007, at 12:00 Noon in Council Chambers with Mayor Miller presiding. Mayor Miller asked for a moment of silence.

**PRESENT:**

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

**ABSENT:**

**Trelvis A. Miller**

City Attorney Walsh stated that Council was here today to decide on a Resolution that would authorize the City of Orangeburg to enter into an agreement with the County of Orangeburg, Orangeburg County/City Industrial Park Commission and a corporation under the name of South Carolina Industrial Support, Inc., a South Carolina Corporation. This Corporation belongs to an investor who has agreed to build a building at the County/City Industrial Park. Under this agreement the County and City would agree to pay the carrying cost of the development. The County and City would pay one-half each from the date of completion and it could go on for up to three years and is conditioned on selling or finding someone to lease the spec building. The cost of the building will have a maximum cost of \$4,504,176.00. The carrying cost and interest is based on the Wall Street Journal prime rate.

Mayor Miller stated that information provided to the Industrial Commission was a need to build a 150,000 sq. ft. building to continue to expand the park. The City and County did build the first spec building which was 80,000 square feet and was later purchased by Allied Air. This Resolution is contingent on the County passing the same Resolution and if they do not, then the contract is null and void.

City Attorney Walsh stated, "At the end of the third year the City and County have the option of paying the carrying cost for the third year or to buy the building for the shell cost."

Councilmember Barnwell asked, "What is the cost per sq. ft.?"

City Attorney Walsh stated, "It was \$30.27 per sq ft."

Councilmember Jernigan asked, "Was it specified in the contract that it would be a 150,000 sq. ft. building?"

City Attorney Walsh stated, "Not yet, but that it would be stated in the contract."

Councilmember Jernigan asked, "How many industries do we have in the industrial park?"

Mayor Miller stated, "We have Allied Air, Dana Corporation, H.T. Hackney and Quality Models."

Councilmember Jernigan asked, "How many jobs were out there?"

Mayor Miller stated, "Allied Air is the largest and Dana Corporation is the second largest but couldn't answer to the number of employees out there."

Councilmember Rheney stated, "An important point to make was that there was not an empty building at the Industrial Park at this time to market."

Mayor Miller stated, "All the buildings are occupied."

Councilmember Rheney stated, "Another important point to make is that the builder was going to market the building along with the City."

City Attorney Walsh stated, "Within thirty (30) days after the third anniversary of the completion date and upon the sellers payment of carrying cost of the third year period, that's the county/city, the city and county shall elect in writing in a notice to the purchaser, that's the developer, to either continue to pay the carrying cost in the same manner as set forth above for an additional three year period and promptly pay for the customarily out of pocket cost, if any, associated with refinancing the developers loan, including attorney fees, survey and appraisal fees, commitment fees, not to exceed \$35,000, or to purchase the building as I indicated earlier. When they make reference to the seller, they mean the city and county, which this will be a joint decision."

Mayor Miller stated, "The contract does not state 150,000 sq. ft. building. It states a maximum cost of \$4,504,176.00 at \$30.27 per sq. ft., which works out to a 148,800 sq. ft. building with a cement slab floor."

Councilmember Barnwell stated, "Based on what Wall Street is doing and the market in general, it is too speculative."

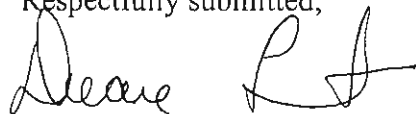
Mayor Miller then read by title, the Resolution authorizing the execution of a purchase and sale agreement between the Orangeburg County/City Industrial Park Commission, County of Orangeburg, City of Orangeburg and SC Industrial Support, Inc., a South Carolina Corporation.

A motion was made by Councilmember Knotts, second by Councilmember Rheney, to approve the Resolution authorizing the execution of a purchase and sale agreement between the Orangeburg County/City Industrial Park Commission, County of Orangeburg, City of Orangeburg and SC Industrial Support, Inc., a South Carolina Corporation. This was a 5-1 vote as Councilmember Barnwell opposed.

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

There being no further business, the meeting was adjourned.

Respectfully submitted,



Duane Tarrant  
Assistant City Clerk

DT/pfb





**RESOLUTION AUTHORIZING THE EXECUTION OF A PURCHASE AND SALE  
AGREEMENT BETWEEN THE ORANGEBURG COUNTY / CITY INDUSTRIAL PARK  
COMMISSION, COUNTY OF ORANGEBURG, CITY OF ORANGEBURG AND SC  
INDUSTRIAL SUPPORT, INC., A SOUTH CAROLINA CORPORATION**

**WHEREAS**, the City of Orangeburg joined with the County of Orangeburg in creation of the Orangeburg County / City Industrial Park Commission ("Commission") by Ordinance number 1998-8, and

**WHEREAS**, the Commission wishes to have a "spec building" constructed on the property of the Commission by SC Industrial Support, Inc. a South Carolina Corporation ("Company"), and

**WHEREAS**, in order to construct said building the Company has requested that the City of Orangeburg and the County of Orangeburg pay the interest accruing on the total cost incurred by the Company in the construction of said building, and

**WHEREAS**, the Commission has no authority to create any indebtedness or obligations against the County of Orangeburg or the City of Orangeburg without the written consent of the respective governing body, and

**WHEREAS**, the City of Orangeburg finds that the recruitment of industry is a vital function of a municipality and that same is in the best interest of its citizens.

**NOW THEREFORE BE IT RESOLVED BY CITY COUNCIL DULY ASSEMBLED, THAT:**

The City of Orangeburg shall join with the County of Orangeburg in the execution of a Purchase and Sale Agreement between the Commission and Company obligating both the City of Orangeburg and County of Orangeburg to pay interest incurred by the Company in the construction and financing of the building described hereinabove, subject to the following conditions and limitations:

- a. The total cost of said building referred to in the Purchase and Sale Agreement as "Shell Cost" shall not exceed Four Million Five Hundred Four Thousand One Hundred Seventy Six and 00/100 (\$4,504,176.00) Dollars;
- b. Interest on the "Shell Cost" (referred to in Purchase and Sale Agreement as "Carrying Cost") shall be at the per annum rate of "prime rate" as published from time to time in The Wall Street Journal or if The Wall Street Journal shall cease publication or cease publishing the "prime rate", such other publication of similar quality and circulation as the Company may select;
- c. The obligation to pay said interest shall be for initial term of three (3) years as provided for in the Purchase and Sale Agreement;
- d. Any extension of said time period or the exercise of option to purchase the said building in accordance with the Purchase and Sale Agreement shall require the written consent of the City of Orangeburg;
- e. The City of Orangeburg shall be obligated to pay only one half (½) of the said "Carrying Cost";
- f. The obligation of the City of Orangeburg to pay said "Carrying Cost" and the authority to enter into the Purchase and Sale Agreement shall be conditioned upon the County of Orangeburg also entering into said Purchase and Sale Agreement as authorized by its governing body and obligating the County to pay the remaining on half (½) of the said "Carrying Cost".



**BE IT FURTHER RESOLVED THAT,** upon the satisfaction of the above conditions and limitations and with the approval of the City Attorney, Paul A Miller, Mayor of the City of Orangeburg is directed and authorized to execute the above described Purchase and Sale Agreement.

**DONE AND RATIFIED BY THE CITY OF ORANGEBURG, STATE OF SOUTH CAROLINA THIS 29<sup>th</sup> DAY OF August 2007.**



Paul A. Miller  
Mayor  
James H. Haie  
James R. Little  
James W. Khan

Members of Council

ATTEST: Dean L. T.  
Assist. City Clerk

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## **CITY COUNCIL MINUTES**

### **September 4, 2007**

Orangeburg City Council held its regularly scheduled meeting on Tuesday, September 4, 2007, at 7:00 P.M., in Council Chambers with Mayor Miller presiding.

#### **PRESENT:**

**Paul A. Miller, Mayor**

**Charles B. Barnwell, Jr.**

**Bernard Haire**

**Charles W. Jernigan**

**Sandra P. Knotts (present for Item Nos. 8-A , 8-B & Executive Session)**

**Trelvis A. Miller**

**Joyce W. Rheney**

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to approve the August 21, 2007, City Council Minutes as distributed. This was a 5-0-1 vote as Councilmember Miller abstained as he was not present at the meeting.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Jernigan, to approve the August 27, 2007, Special City Council Minutes. This was a 5-0-1 vote as Councilmember Miller abstained as he was not present at the meeting.

A motion was made by Councilmember Rheney, seconded by Mayor Pro Tem Haire, to approve the Third Reading of an Ordinance amending the 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 Mayor Pro Tem Haire, seconded by Councilmember Jernigan, 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, 2007 and ending September 30, 2008. This motion was unanimously approved.

Department of Public Safety Director Wendell Davis overviewed the Gang Resistance Education and Training Program Grant Award (G.R.E.A.T.). The total award is \$21,870 with \$2,430 coming from local funds for a total program funding of \$24,300. He explained that the Grant will provide training and equipment to remove graffiti.

Mayor Pro Tem Haire asked, "The graffiti, who is going to assist in removing it?"

Director Davis replied, "We will get some assistance in this area, we remove it now."

City Administrator Yow stated, "Various departments have assisted us in removing graffiti as well as private citizens."

Councilmember Rheney stated, "I wish you could arrest them and make them remove it."

A motion was made by Councilmember Barnwell, seconded by Councilmember Miller to authorize City Administrator Yow to accept the Grant Award for Gang Resistance Education and Training (G.R.E.A.T.) Program in the amount of \$21,870 with \$2,430 local match. This motion was unanimously approved.

A motion was made by Councilmember Rheney, seconded by Mayor Pro Tem Haire, to approve the Third Reading of an Ordinance to adopt a budget for the operation of the Department of Public Utilities for the City of Orangeburg for the Fiscal Year beginning October 1, 2007 and ending September 30, 2008. This motion was unanimously approved.

**Page 2**

Department of Public Utilities Director Boatwright outlined the project for the construction of a four-inch (4") high pressure gas main along Cook Road and an eight-inch (8") high pressure gas main along Kennerly Road. He stated that the project was sent out for bid twice. The first time only one bid was received and it was not opened. The project was rebid and two bids were received. He stated that this contractor had been investigated and references checked and he assured Council he was confident this contractor could do the work and urged Council to accept the low bid from Classic City Mechanical Inc., of Winterville, Georgia, in the amount of \$670,640.59, which came in lower than projected.

Mayor Pro Tem Haire asked, "Did the first bidder bid the second time."

Director Boatwright replied, "Yes, they did and they were the low bidder."

Mayor Miller asked, "How many miles?"

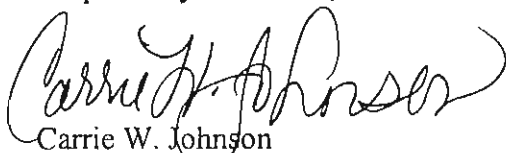
Director Boatwright responded, "Approximately eight miles of eight-inch (8") and four miles of four-inch (4")."

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Rheney, to approve a Resolution for the Department of Public Utilities to accept the low responsible bid from Classic City Mechanical, Inc., of Winterville, Georgia, in the amount of \$670,640.59 for the construction of a four-inch (4") high pressure gas main along the Cook Road and an eight-inch (8") high pressure gas main along the Kennerly Road. This motion was unanimously approved.

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

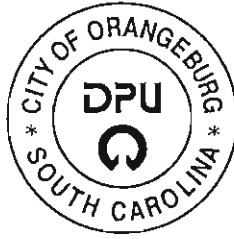
There being no further business, the meeting was adjourned.

Respectfully submitted,

  
Carrie W. Johnson  
City Clerk

CWJ/pfb





## RESOLUTION

**A RESOLUTION FOR THE CITY OF ORANGEBURG, DEPARTMENT OF PUBLIC UTILITIES TO ACCEPT THE LOW RESPONSIBLE BID BY CLASSIC CITY MECHANICAL, INC. OF WINTERVILLE, GEORGIA IN THE AMOUNT OF \$670,640.59 FOR THE CONSTRUCTION OF A FOUR-INCH (4") HIGH PRESSURE GAS MAIN ALONG THE COOK ROAD AND AN EIGHT-INCH (8") HIGH PRESSURE GAS MAIN ALONG THE KENNERLY ROAD**

**WHEREAS**, the Department of Public Utilities of the City of Orangeburg, South Carolina, received bids on August 22, 2007 for the construction of a four-inch (4") high pressure gas main along the Cook Road and an eight-inch (8") high pressure gas main along the Kennerly Road; and

**WHEREAS**, the responsible bid for this work was submitted by Classic City Mechanical, Inc. of Winterville, Georgia in the amount of \$670,640.59; 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 4th day of September, 2007.



*Paul A. Miller*

MAYOR

*Samuel Haie*  
*Charles E. Bennett*  
*Julius J. Miller*  
*Carl Rogers*  
*Jesse W. Cherry*

MEMBERS OF COUNCIL

ATTEST:

*Carrie H. Johnson*

CITY CLERK

## **CITY COUNCIL MINUTES**

### **September 18, 2007**

Orangeburg City Council held its regularly scheduled meeting on Tuesday, September 18, 2007, at 7:00 P.M., in Council Chambers with Mayor Miller presiding.

**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 motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to approve the September 4, 2007, City Council Minutes as distributed. This motion was unanimously approved.

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

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to reappoint Jacque Fogle (Parks and Recreation Dept.) and LeAndrae Felder (Service Department) to the City's Grievance Committee. This is a three year term ending June 4, 2010.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve an authorization for City Administrator Yow to accept Violence Against Women Act Grant No. 1K07010-Criminal Domestic Violence Investigations in the amount of \$38,725 with a 25% local match funds in the amount of \$12,908. This motion was unanimously approved.

A motion was made by Councilmember Jernigan, seconded by Mayor Pro Tem Haire, for City Administrator Yow to accept a Justice Assistance Grant Award No. 3007-DJ-BX-1398 in the amount of \$10,431.00. This motion was unanimously approved.

City Administrator Yow overviewed a request from South Carolina State University that some streets be closed or abandoned due to the expansion of the University with the James E. Clyburn Transportation Research and Conference Center. Mr. Jim Gordon, Mr. Alfred A. Lindsay and Mr. Kenneth Davis were in attendance representing South Carolina State University.

Councilmember Barnwell asked, "Are any of these streets connecting streets?"

Mr. Alfred A. Lindsay responded, "These streets are on the University Campus and they connect to Russell Street. Oakland Street would no longer enter on the University Campus and you would enter and exit from Russell Street."

Mayor Miller asked, "Where is Rucker Street?"

Mr. Lindsay responded, "That street is no longer in existence, it used to be a service road."

City Administrator Yow stated that the Resolution would also be subject to existing utility easements.

A motion was made by Councilmember Barnwell, seconded by Councilmember Rheney, to approve the Resolution approving the request by South Carolina State University for the abandonment and closure of streets. This was a 5-0-1 vote as Mayor Pro Tem Haire abstained.

**Page 2**

Public Works Director Durwood Bowden overviewed the Department's upcoming purchase of a budgeted sanitation truck in the new budget year. He stated, "The truck came in under budget and would be a 2007 model and this would replace a much older model and we generally keep them about ten (10) years."

Mayor Pro Tem Haire asked, "Why are we not going with a 2008? What are the problems with the engines in 2008?"

Director Bowden replied, "Due to new federal emission regulations with the diesel engines, it has been determined that the engines are catching fire and are having a higher number of engine problems. It would be in the best interest if we could purchase all the sanitation trucks within the 2007 model year or either wait to see if the problems could be resolved later next year."

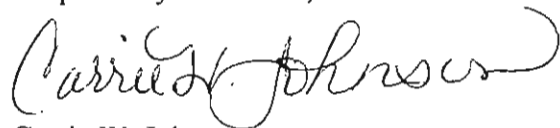
A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Jernigan, to approve the purchase of a sanitation truck in the amount of \$185,648.00 from Heil Environmental. This motion was unanimously approved.

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

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

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson  
City Clerk

CWJ/pfb



**RESOLUTION CONSENTING TO THE ABANDONMENT AND CLOSING OF  
OAKLAND STREET, PEARL STREET AND PARKER STREET LOCATED IN THE  
CITY OF ORANGEBURG**

**WHEREAS**, South Carolina State University is in the process of construction of physical facilities on its campus, including the James E. Clyburn Transportation Research and Conference Center, and

**WHEREAS**, the below described streets constitute a portion of the properties being used for the above purposes, and

**WHEREAS**, South Carolina State University has requested that the City consent to the abandonment and closing of the below described streets for the above said purposes, and

**WHEREAS**, the City of Orangeburg finds that is in the best interest of the University and City to consent to said abandonment and closing.

**NOW THEREFORE BE IT RESOLVED BY COUNCIL DULY ASSEMBLED** that the City does hereby consent to the abandonment and closing of the below described streets and authorizes John H. Yow, City Administrator to execute a consent to said abandonment and closing and any and all other documents required for the purpose of obtaining court approval of said abandonment and closing pursuant to S.C. Code § 57-9-10 et. seq.

**BE IT FURTHER RESOLVED** that the execution of the above described consent and documents by the City Administrator is contingent upon South Carolina State University petitioning the Court of Common Pleas pursuant to the above S.C. Code § 57-9-10 requesting the closing of said streets, subject to existing utility easements of the City, and upon said closure the acceptance of maintenance and upkeep of said streets by South Carolina State University and the granting of necessary utility easements to the City.

**DESCRIPTIONS OF STREETS:**

Oakland Street: All that certain street being designated as Oakland Street having a width of 40 feet and shown on a plat prepared for South Carolina State University dated November 27, 2006 and having the following boundaries and measurements: North by other property of South Carolina State University 40 feet; East by other property of South Carolina State University and a portion of Rucker Street for a distance of 159.64 feet; South by the remaining portion of Oakland Street 40 feet, more or less; and West by other property of South Carolina State University 155.13 feet. Said street consists of that portion lying north of a tie line between a point on the western boundary located 139.33 feet from the right-of-way of Russell Street ( SC Highway 33) and a point located on the eastern boundary ~~136.45~~ feet from the right-of-way of Russell Street (SC Highway 33).

*143.66*

Parker Street: All that certain street shown as Parker Street on a plat prepared for South Carolina State University dated November 27, 2006 having a width of 40 feet and running from the intersection of said street and Russell Street (SC Highway 33) in a Northwestern direction for a distance of 462, more or less to its terminus at the property owned by South Carolina State University; being the entire length of said street.

Pearl Street: All that certain street having a width of 50 feet and running from the right-of way of the above described Parker Street in an Eastern direction to the right-of-way of



Baldwin Street and being the entire length of the Pearl Street.

**RESOLVED** by City Council duly assembled this 18<sup>th</sup> day of September, 2007.

Paul A. Miller

Mayor

Charles P. Samuels Jr

Travis L. Miller

Paul D. Jones

Joseph R. Phares

Members of Council

ATTEST: Carrie W. Johnson  
City Clerk





## CITY COUNCIL MINUTES

### October 2, 2007

Orangeburg City Council held a Public Hearing on Tuesday, October 2, 2007, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. The purpose of the Public Hearing was for consideration of annexation of properties on the following:

- 1) Consideration of a petition for annexation of property located at 1000 Chestnut Street, owned by T. Dayle Bolen with the request to zone the property B-1 General Business District
- (2) Consideration of a petition for annexation of property located on Chestnut Street, owned by H.C. Collier, with the request to zone the property A-1 Single Family Residential District
- (3) Consideration of a petition for annexation of property located on Loblolly Lane, owned by Felder Evans Company, Inc., with the request to zone the property A-1 Single Family Residential District
- (4) Consideration of a petition for annexation of property located on Loblolly Lane, owned by Reddick/Marilyn Bowman, with the request to zone the property A-1 Single Family Residential District

Mr. Kevin Bronson, Assistant City Administrator, presented Council with an overview of each petition.

Hearing no public comments, the Public Hearing was closed.

**PRESENT:**

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

**ABSENT:**

**Trelvis A. Miller**

Oaths of Office were administered by Charles Barnwell to the three Council Members who were re-elected without opposition: Councilmembers Haire, Jernigan and Knotts were sworn in.

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to approve the September 18, 2007, City Council Minutes as distributed. This was a 5-0-1 vote. Councilmember Knotts abstained as she was absent from the last meeting.

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

Ms. Bernice Tribble, DORA Manager, accepted the Character Trait Proclamation for the month of October 2007, "Self-Control".

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to pass a Resolution directing City Staff to erect a plaque honoring Reverend Daniel M. Minus at Sunnyside Playground.

Director Durwood Bowden of the Public Works Department advised Council on the need for replacement of a recycling truck that was budgeted in fiscal year 2007-08.

**Page 2**

A motion was made by Councilmember Rheney, seconded by Councilmember Knotts, to approve the purchase of a replacement recycling truck from Amick Equipment in the amount of \$98,551.00 for the Public Works Department. This motion was unanimously approved.

Assistant City Administrator Kevin Bronson addressed Council for the First Reading of an Ordinance for annexation of property located at 1000 Chestnut Street, owned by T. Dayle Bolen with the request to zone the property B-1 General Business District. He stated, "Mr. Bolen came to us and he wanted to come into the City and said the difference between the water and wastewater costs outside the City limits will offset the taxes and business license fees inside the City."

A motion was made by Councilmember Jernigan, seconded by Councilmember Barnwell, to approve the First Reading of an Ordinance for annexation of property located at 1000 Chestnut Street, owned by T. Dayle Bolen with the request to zone the property B-1 General Business District. This motion was unanimously approved.

Assistant City Administrator Bronson addressed Council for the First Reading of an Ordinance for annexation of property located on Chestnut Street, owned by H.C. Collier, with the request to zone the property A-1 Single Family Residential District. He stated, "This is two tracts of land owned by H.C. Collier and located between Loblolly and Pinebrook Streets, just off Chestnut and he plans to develop this property into approximately forty (40) single family detached homes."

A motion was made by Councilmember Barnwell, seconded by Councilmember Rheney, to approve the First Reading of an Ordinance for annexation of property located on Chestnut Street, owned by H.C. Collier, with the request to zone the property A-1 Single Family Residential District. This motion was unanimously approved.

Assistant City Administrator Bronson addressed Council for the for annexation of property located on Loblolly Lane, owned by Felder Evans Company, Inc., with the request to zone the property A-1 Single Family Residential District. This property backs up to Mr. Collier's property and is enclave. He is willing to come in the City and happy to do so.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Knotts, to approve the First Reading of an Ordinance for annexation of property located on Loblolly Lane, owned by Felder Evans Company, Inc., with the request to zone the property A-1 Single Family Residential District. This motion was unanimously approved.

Assistant City Administrator Bronson addressed Council for the annexation of property located on Loblolly Lane, owned by Reddick/Marilyn Bowman, with the request to zone the property A-1 Single Family Residential District.

A motion was made by Councilmember Knotts, seconded by Mayor Pro Tem Haire, to approve the First Reading of an Ordinance for the annexation of property located on Loblolly Lane, owned by Reddick/Marilyn Bowman, with the request to zone the property A-1 Single Family Residential District. This motion was unanimously approved.

Mayor Pro Tem Haire stated, "I am pleased to see we are moving with annexation. Some years ago, we had a study done and I think we need to go back and dust it off and move aggressively with completing this study and making it a reality. We have not grown and this is a first step and I would like to see the continued growth of the City."

Mayor Miller replied, "We urge anyone who wants to be a part of the City to contact us."

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 provision of services encouraging location or expansion of industry in the Orangeburg County/City Industrial Park. This motion was unanimously approved.

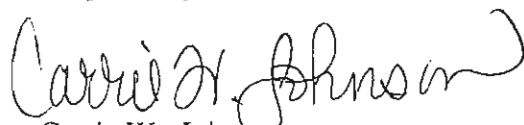
Council returned to Open Session.

A motion was made by Councilmember Rheney, seconded by Mayor Pro Tem Haire to approve a Resolution for a development agreement with Orangeburg County for the expansion of Phase II at the County/City Industrial Park. This motion was unanimously approved.

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

CWJ/pfb



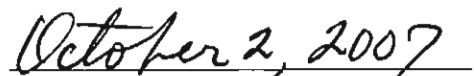


# OATH

“As Councilmember of the municipality of the City of Orangeburg, South Carolina, I will equally, fairly, and impartially, to the best of my ability and skill, exercise the trust reposed in me and I will use my best endeavors to preserve the peace and carry into effect according to the law, the purposes for which I have been elected. So help me God.”

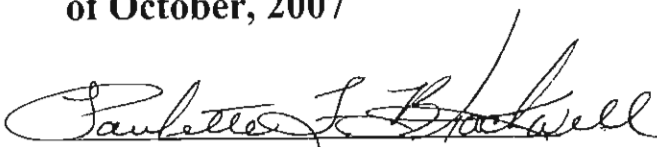
“I do solemnly swear or affirm that I am duly qualified, according to the Constitution of the State, to exercise the duties of the office, to which I have been elected, and that I will to the best of my ability, discharge the duties thereof and preserve, protect and defend the Constitution of the State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

  
Bernard Haire

  
Date



Sworn before me this 2nd Day  
of October, 2007

  
Paulette F. Blackwell  
Notary Public

My Commission expires 05-17-17

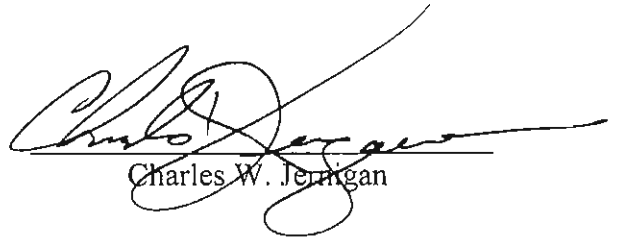


# OATH

“As Councilmember of the municipality of the City of Orangeburg, South Carolina, I will equally, fairly, and impartially, to the best of my ability and skill, exercise the trust reposed in me and I will use my best endeavors to preserve the peace and carry into effect according to the law, the purposes for which I have been elected. So help me God.”

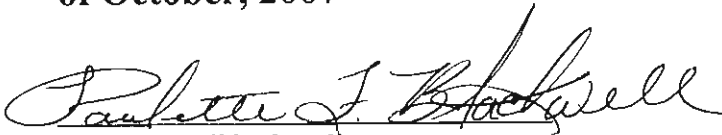
“I do solemnly swear or affirm that I am duly qualified, according to the Constitution of the State, to exercise the duties of the office, to which I have been elected, and that I will to the best of my ability, discharge the duties thereof and preserve, protect and defend the Constitution of the State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



  
Charles W. Jennings

10-2-07  
Date

Sworn before me this 2nd Day  
of October, 2007

  
Paulette F. Blackwell  
Notary Public

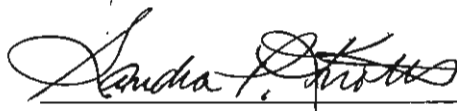
My Commission expires 05-17-17



# OATH

“As Councilmember of the municipality of the City of Orangeburg, South Carolina, I will equally, fairly, and impartially, to the best of my ability and skill, exercise the trust reposed in me and I will use my best endeavors to preserve the peace and carry into effect according to the law, the purposes for which I have been elected. So help me God.”

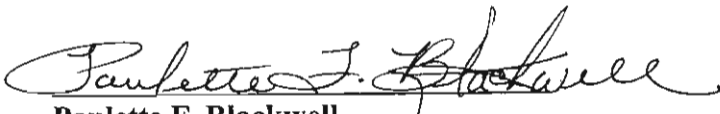
“I do solemnly swear or affirm that I am duly qualified, according to the Constitution of the State, to exercise the duties of the office, to which I have been elected, and that I will to the best of my ability, discharge the duties thereof and preserve, protect and defend the Constitution of the State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

  
Sandra P. Knotts

  
Date



Sworn before me this 2nd Day  
of October, 2007

  
Paulette F. Blackwell  
Notary Public

My Commission expires 05-17-17



## **RESOLUTION**

- WHEREAS,** Reverend Daniel M. Minus was instrumental in the education of African Americans in the Orangeburg Community and throughout the State of South Carolina; and,
- WHEREAS,** In October, 1883, a new Colored School, later renamed the "Sterling School", opened in Orangeburg, South Carolina; and,
- WHEREAS,** Reverend Daniel M. Minus was principal of the Sterling School located on Gibson Street; and,
- WHEREAS,** the legacy established by Reverend Daniel M. Minus and the Sterling School touched the lives of countless African American citizens in the Orangeburg Community; and,

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Members of City Council, in Council assembled, hereby directs City Staff to place a memorial plaque honoring Reverend Minus in the Sunnyside Playground area.

**BE IT FURTHER RESOLVED** that a copy of this Resolution, in appreciation for Reverend Minus' role in the lives of the citizens of the City of Orangeburg, be placed in the Minute Book of the City.

**PASSED BY** the City Council of the City of Orangeburg, State of South Carolina, this 2nd day of October, 2007.



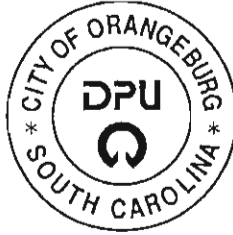
ATTEST:

*Carroll Johnson*  
City Clerk

*Paul G. Min*  
\_\_\_\_\_  
Mayor

*Edward Hare*  
\_\_\_\_\_  
*Sandra P. Knotts*  
\_\_\_\_\_  
*Charles B. Bannett Jr.*  
\_\_\_\_\_  
*Paul D. ...*  
\_\_\_\_\_  
*Joyce W. Rhiney*  
\_\_\_\_\_  
Members of Council





**A RESOLUTION AUTHORIZING THE EXPANSION OF THE  
ORANGEBURG COUNTY/CITY INDUSTRIAL PARK**

**WHEREAS**, the County of Orangeburg and the City of Orangeburg have developed a Class "A" Industrial Park located in the southeastern quadrant of Interstate 26 and US Highway 301 under a Development Agreement dated April 9, 1998, and

**WHEREAS**, the existing Industrial Park consists of Phase I and the County of Orangeburg and the City of Orangeburg now find that it is to the benefit of said entities that it now construct and develop Phase II of said park, and

**WHEREAS**, the County of Orangeburg and City of Orangeburg have agreed to develop Phase II of said park in accordance with the original Development Agreement dated April 9, 1998 and by Addendum thereto.

**NOW THEREFORE BE IT RESOLVED BY COUNCIL DULY ASSEMBLED** that Paul A. Miller, Mayor of the City of Orangeburg is hereby authorized and directed to execute the attached Addendum (consisting of three (3) typewritten pages and attached Exhibits A, B, C, D, and E) to the Development Agreement between the County of Orangeburg and the City of Orangeburg dated April 9, 1998.

**RESOLVED** by City Council duly assembled this 2<sup>nd</sup> day of October, 2007.



Paul A. Miller  
MAYOR

Samuel Harris

Sandra P. Knott

Charles B. Bancroft

Charles D. Dizon

Joyell Phares

MEMBERS OF COUNCIL

ATTEST:

Carrie H. Johnson  
CITY CLERK

## **CITY COUNCIL MINUTES**

### **October 16, 2007**

Orangeburg City Council held its regularly scheduled meeting on Tuesday, October 16, 2007, at 7:00 P.M. in Council Chambers with Mayor Miller presiding.

**PRESENT:**

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

Students from South Carolina State University were recognized.

Regarding the Election of Mayor Pro Tem, Mayor Miller made a motion to nominate Bernard Haire for this position which was seconded by Councilmember Rheney. This motion was unanimously approved. Councilmember Miller was not present at the time of voting.

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to approve the October 2, 2007 City Council Minutes as distributed. This motion was unanimously approved.

Ms. Jeanette Jeffery of Dunwoody Street addressed Council. She stated, "On October 9, 2007, at approximately 5:00 P.M. I got into a traffic jam due to a stopped train on John C. Calhoun Drive and Magnolia Street. I waited and waited and waited and the train was still there. At 5:23 P.M., I called the City dispatcher the first time. I did this because the last time I was stuck it was due to a traffic accident, so, I asked if there was an accident as to what was the hold up. She stated there was no accident. Later, I called her back and I stated the train had not moved. I was very irate at this time. I then got out of my car and saw that people were turning around and almost hitting other vehicles. At that time, I noticed a school bus turning around with children on the bus jumping a curve. That concerned me even more and I called dispatch back and asked if there was any way a City officer could issue the train a citation. The dispatcher stated that they could not do that. I then ask why can't they do their job? I was there over an hour. Mrs. Marie from Captain Pete's also asked me to speak on her behalf, she had an employee who was a waitress who was stuck in front of me and she was supposed to be at work. That train never left until after 6 P.M. There is no reason that train, even though they were hooking up to another car, should have stayed there an hour. There was a gentlemen in traffic from Santee Cooper and he was suppose to be at a ball game for his children and one man lived in Manning and he said his wife was going to kill him because he was never at the ball games and he even left early so he could be there."

I was told to contact my Congressmen and Senators. I sent letters instead. Letters don't get lost, phone calls get forgotten. I would suggest everybody in the City and the County that has to deal with this train, to contact the Senators, Congressmen and Legislators because they are the ones that do the sanctioning on the regulation of these trains. If I am not mistaken, there is a State Law that states a train cannot hold up traffic longer than fifteen minutes. You have grounds to cite them a lot more than you are doing now. There is no sense in that train holding traffic up over an hour. I know the City is behind this with me. My suggestion is to write letters and make phone calls. Is there anything more that I can do to help?"

Mayor Miller asked, "Have you gotten a response to your letters?"

Ms. Jeffery replied, "No, but I would expect something by next month."

Councilmember Rheney asked, "Are you speaking of State Senators?"

Ms. Jeffery replied, "I am speaking of both, Federal and State."

Mayor Pro Tem Haire stated, "I experienced a situation just today with Norfolk Southern. I walked home and there was a train that switched off between Zan and Amelia Streets, so I could not go across the Peasley Street crossing. I had to go up to Zan Street. By the time I went home and came back, I thought the train would have been gone. It was not. I then put in a call to the City Administrator, who was out and I then called Dispatch. I asked them to send out someone because it was over thirty minutes that Peasley Street was blocked. In your letter writing campaign, I would also suggest that you send a letter to Norfolk Southern."

City Administrator Yow stated, "As you know, we have gone on record asking CSX and Norfolk Southern to relocate the interchange track to a less congested and safer area. It is in a highly congested area and as trains get more cars, it will probably be more commonplace."

Ms. Jeffery stated, "My other concern is that there was a lady from the hospital and she had just gotten off work and she was pregnant. What happens with ambulances if they are re-routed and someone's life is lost due to an ambulance being re-routed? The City would be sued, I wouldn't blame anyone for suing the City because of a lost loved one. We need to think about that also, because that can happen."

Councilmember Rheney stated, "I am concerned about the school bus and I wish you would have gotten their identification or tag number because that person should not have a license. Didn't we set a limit on how long crossings could be blocked?"

City Administrator Yow stated, "If someone can identify the engineer could stop them and issue a citation, the train could be stopped longer. We have a balancing act there."

Chief Davis stated, "It takes about 15-20 minutes to issue a citation even on a passenger car to check the validity of the license, etc."

Ms. Jeffery stated, "I am not against the trains, because we have to have them to live. What I would like to see done is a little shorter time that they block intersections so people could get to and from where they need to go."

Mayor Miller stated, "I have heard what you have to say and my suggestion is that you do your letters and encourage people involved to do so also and contact Norfolk Southern. I will tell you we have worked on this to no avail. One of the big problems is the exchange behind Zeus. There are other issues at hand as it relates to hazardous materials. We, as a City, have been concerned, not only, for that aspect, but also the speed of the trains going through the City. We have some 6,500 students at Claflin and SC State plus faculty and people that live in the vicinity and should we have a chemical spill, we would have another event like the one that took place in Graniteville, South Carolina, so we are very aware of this. I think you are talking to the choir. I am happy for you to come."

Councilmember Barnwell asked Chief Davis, "If it is a State Law and we have the right to write a citation, if it takes an additional 15 minutes, wouldn't it be worth it to write it one time?"

Chief Davis replied, "There are other issues and if they are working, they could take longer. In this case, they were changing cars."

Mayor Pro Tem Haire stated, "Not the one today, they were just stopped."

City Administrator Yow stated, "Some time ago, we proposed formally to form a coalition with other cities in reference to railroad issues. It was even a session on the Municipal Association's annual meeting. We also had a recent manager's meeting and I asked that this issue be put back on for discussion and there was a showing of hands of managers that would be interested again to make progress toward a coalition and there were many managers who showed interest and we are going to try to go that route. We are finding out we are not alone. We see speed limits change and other regulations change, but the railroad's have changed very little."

**Page 3**

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

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the Second Reading of an Ordinance for annexation of property located at 1000 Chestnut Street, TMP# 0174-18-02-011 owned by T. Dayle Bolen with the request to zone the property B-1 General Business District. This motion was unanimously approved.

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to approve the Second Reading of an Ordinance for annexation of property located on Chestnut Street, TMP# 0151-16-06-008 owned by H.C. Collier, with the request to zone the property A-1 Single Family Residential District. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Rheney, to approve the Second Reading of an Ordinance for annexation of property located on Loblolly Lane, Tax Map #0174-13-14-017 owned by Felder Evans Company, Inc., with the request to zone the property A-1 Single Family Residential District. This motion was unanimously approved.

A motion was made by Councilmember Knotts, seconded by Councilmember Rheney, to approve the Second Reading of an Ordinance for the annexation of property located on Loblolly Lane, TMP# 0174-13-14-012 owned by Reddick/Marilyn Bowman, with the request to zone the property A-1 Single Family Residential District. This motion was unanimously approved.

Concerning the Department of Public Utilities, 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 a legal matter concerning the Department of Public Utilities right-a-way encroachment. 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 6, 2007**

1833

Orangeburg City Council held its regularly scheduled meeting on Tuesday, November 6, 2007, at 7:00 P.M., in Council Chambers with Mayor Miller presiding.

**PRESENT:**

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

**ABSENT:**

**Trelvis A. Miller**

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Knotts, to approve the October 16, 2007, City Council Minutes as distributed. This was unanimously approved.

Mayor Miller and Parks and Recreation Director, Buster Smith, presented Isadore Thomas a Resolution and gold watch for his thirty-six years, three months and eight days of service to the City of Orangeburg.

The eighth grade class of Felton Laboratory School, along with teachers Mary E. Ravenell and Joann Berry, made a presentation before Council, recited a poem and performed a dance. The students also presented the Mayor with a copy of the Gullah Bible.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the Third Reading of an Ordinance for annexation of property located at 1000 Chestnut Street, TMP# 0174-18-02-011 owned by T. Dayle Bolen with the request to zone the property B-1 General Business District. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Jernigan, to approve the Third Reading of an Ordinance for annexation of property located on Chestnut Street, TMP# 0151-16-06-008 owned by H.C. Collier, with the request to zone the property A-1 Single Family Residential District. This motion was unanimously approved.

A motion was made by Councilmember Jernigan, seconded by Mayor Pro Tem Haire, to approve the Third Reading of an Ordinance for annexation of property located on Loblolly Lane, Tax Map #0174-13-14-017 owned by Felder Evans Company, Inc., with the request to zone the property A-1 Single Family Residential District. This motion was unanimously approved.

A motion was made by Councilmember Barnwell, seconded by Councilmember Knotts, to approve the Third Reading of an Ordinance for the annexation of property located on Loblolly Lane, TMP# 0174-13-14-012 owned by Reddick/Marilyn Bowman, with the request to zone the property A-1 Single Family Residential District. This motion was unanimously approved.

Mr. Kevin Lewis, Career Specialist from Bethune Bowman High School, accepted the November Character Trait Proclamation, "Cleanliness".

Parks and Recreation Director Buster Smith, announced to Council that the City of Orangeburg has been chosen for the sixth consecutive year as an Outstanding Rose Garden for Maintenance from the All American Rose Selection. Mr. Jay Hiers, Superintendent of Parks, announced to Council that the Edisto Memorial Gardens has been chosen to be a test site for the American Rose Society for growing miniature roses for the group. He also announced that the City will also be adding fifty-five (55) varieties of the noisette roses, which originated in the rice plantations of Charleston. He stated,

**Page 2**

“This is in conjunction with Roses, Unlimited and the Garden Club of South Carolina. This noisette garden will be adjacent to the pond area in the rose garden. This area will also be a backup garden for cuttings should anything happen to Roses Unlimited’s stock. The goal is to have all seventy-five (75) varieties of the noisette in the gardens, and once this is accomplished, the Edisto Memorial Gardens will be put on the international level of importance for having the single, largest collection of noisette roses world-wide.”

Mayor Miller stated, “This is a wonderful tribute to Orangeburg and the City and for them to recognize us. Keep up the good work.”

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to approve a Resolution to ratify the Law Enforcement Assistance and Support Agreement between the City of Orangeburg and the City of Charleston. This motion was unanimously approved.

A motion was made by Councilmember Rheney, seconded by Councilmember Barnwell, to approve a Resolution consenting to the abandonment and closing of Baldwin Street, Moore Street, Naylor Street and alleys located in the City of Orangeburg. This was a 5-0-1 vote. Mayor Pro Tem Haire abstained.

A motion was made by Councilmember Rheney, seconded by Councilmember Barnwell, to approve the First Reading of an Ordinance to amend Chapters XII and XIII of the Code of Ordinances of the City of Orangeburg providing for the change of fees charged for building permits. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve a Resolution amending and restating the City’s Cafeteria Plan under Section 125 of the Internal Revenue Code of 1986. This motion was unanimously approved.

Mayor Miller excused himself concerning Item #14, a Resolution authorizing the execution and delivery of a Master Lease Agreement, Equipment Schedule and Escrow Agreement and related instruments and the meeting was turned over to Mayor Pro Tem Haire.

A motion was made by Councilmember Barnwell, seconded by Councilmember Knotts, to accept a Resolution authorizing the execution and delivery of a Master Lease Agreement, Equipment Schedule and Escrow Agreement and related instruments to South Carolina Bank and Trust at 3.45%. This motion was unanimously approved by 5-0 vote with Mayor Miller abstaining.

There were no utility matters brought before Council.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to enter into an Executive Session for two contractual matters, (1) Sale of real property on Pinebrook Street / Administration Department and (2) Economic Development County/City Spec Building at Joint County/City Industrial Park / Executive Department.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the First Reading of an Ordinance authorizing the sale of Lot 4 on a subdivision Plat of Maude R. Hydrick, ET. AL. By H. Frank O’Cain CE dated December 22, 1954, fronting on Dogwood Avenue to HCC Developers, LLC in the amount of \$14,500.00. This motion was unanimously approved. This lot is currently recognized as being located on Pinebrook Street.

A motion was made by Councilmember Knotts, seconded by Mayor Pro Tem Haire, to approve a Resolution authorizing the execution of a purchase and sale agreement between Orangeburg County/City Industrial Park Commission, County of Orangeburg, City of Orangeburg and MV Southeast LLC, a South Carolina Limited Liability Company. This was a 5-1 vote as Councilmember Jernigan opposed.





## **RESOLUTION**

**WHEREAS,**

Isadore Thomas faithfully served the City of Orangeburg for thirty-six years, three months and eight days with a retirement date of August 20, 2007; and,

**WHEREAS,**

he, through his long and faithful service, contributed greatly to the successful operation of the City of Orangeburg's Parks and Recreation 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. Thomas in recognition of his services.

**PASSED BY** the City Council of the City of Orangeburg, State of South Carolina, this 6th Day of November, 2007.



*Lawrence Miller*

MAYOR

*Glenn Haire*  
*Dandra P. Smith*  
*Charles S. Brumby*  
*Charles D. Dyer*  
*James W. Phares*  
*Brebris A. Miller*

MEMBERS OF COUNCIL

ATTEST:

*Barrie H. Johnson*  
CITY CLERK



**RESOLUTION CONSENTING TO THE ABANDONMENT AND CLOSING OF  
BALDWIN STREET, MOORE STREET, NAYLOR STREET, AND ALLEYS  
LOCATED IN THE CITY OF ORANGEBURG**

**WHEREAS**, South Carolina State University is in the process of construction of physical facilities on its campus, including the James E. Clyburn Transportation Research and Conference Center, and

**WHEREAS**, the below described streets and alleys constitute a portion of the properties being used for the above purposes, and

**WHEREAS**, South Carolina State University has requested that the City consent to the abandonment and closing of the below described streets and alleys for the above said purposes, and

**WHEREAS**, the City of Orangeburg finds that is in the best interest of the University and City to consent to said abandonment and closing, although a portion of said streets, alleys and lanes may be private and not subject to the jurisdiction of the City.

**NOW THEREFORE BE IT RESOLVED BY COUNCIL DULY ASSEMBLED** that the City does hereby consent to the abandonment and closing of the below described streets and alleys and authorizes John H. Yow, City Administrator to execute a consent to said abandonment and closing pursuant to S.C. Code § 57-9-10 et. seq.

**BE IT FURTHER RESOLVED** that the execution of the above described consent and documents by the City Administrator is contingent upon South Carolina State University petitioning the Court of Common Pleas pursuant to the above S.C. Code § 57-9-10 requesting the closing of said streets and alleys, subject to existing utility easements of the City, and upon said closure the acceptance of maintenance and upkeep of said streets by South Carolina State University and the granting of necessary utility easements to the City.

**DESCRIPTIONS OF STREETS:**

Baldwin Street: All that certain street shown as Baldwin Street on a survey prepared for South Carolina State University dated September 20, 2007 by Stantec Consulting Services Inc., having a width of 40 feet and running from the intersection of said street and Russell Street (SC Route 33) in a Northwestern direction, to its terminus at the property owned by South Carolina State University; being the entire length of said street.

Moore Street: All that certain private street shown as Moore Street on a survey prepared for South Carolina University dated September 20, 2007 by Stantec Consulting Services Inc. having a width of 30 feet and running from the intersection of said street and Pearl Street in a Northwestern direction for a distance of 175 feet to its terminus at the property owned by South Carolina State University; being the entire length of said street.

Naylor Street: All that certain service lane known as Naylor Street a/k/a Berry Naylor Street and shown as Naylor Street on a survey prepared for South Carolina State University dated September 20, 2007 by Stantec Consulting Services Inc., running lengthwise across property owned by South Carolina State University for a distance of 415 feet, more or less, on its southeastern boundary and lying northwest of Moore Street and Pearl Street, and located between the northwestern and southeastern designated pavement edges on said plat as "EP".

Alley: All that certain alley shown on a survey prepared for South Carolina State University dated September 20, 2007 by Stantec Consulting Services Inc., having a width of 15 feet and running from the intersection of said alley and Russell Street (SC Route 33) in a Northwestern direction, to its terminus at Pearl Street; being the entire length of said alley.

Alley: All that certain alley shown as on a survey prepared for South Carolina State University dated September 20, 2007 by Stantec Consulting Services Inc., having an undesignated width and being 200 feet in length and having as its southeastern boundary Lots 14 and 20, Block G and its northwestern boundary Lots 1 and 7, Block I.

**RESOLVED** by City Council duly assembled this 6<sup>th</sup> day of ~~NOVEMBER~~ 2007.



*Paul M. ...*  
Mayor

*Andrea P. Kuster*  
*Charles B. Bailey*  
*Charles ...*  
*Jay ...*

Members of Council

ATTEST: *Carrie H. Johnson*  
City Clerk

**RESOLUTION AUTHORIZING THE EXECUTION OF A PURCHASE AND SALE  
AGREEMENT BETWEEN THE ORANGEBURG COUNTY / CITY INDUSTRIAL PARK  
COMMISSION, COUNTY OF ORANGEBURG, CITY OF ORANGEBURG AND MV  
SOUTHEAST, LLC., A SOUTH CAROLINA LIMITED LIABILITY COMPANY**

**WHEREAS**, the City of Orangeburg joined with the County of Orangeburg in creation of the Orangeburg County / City Industrial Park Commission ("Commission") by Ordinance number 1998-8, and

**WHEREAS**, the Commission wishes to have a "spec building" constructed on the property of the Commission by MV Southeast, LLC, a South Carolina Limited Liability Company ("Company"), and

**WHEREAS**, in order to construct said building the Company has requested that the City of Orangeburg and the County of Orangeburg pay the interest accruing on costs incurred by the Company in the construction of said building, and

**WHEREAS**, the Commission has no authority to create any indebtedness or obligations against the County of Orangeburg or the City of Orangeburg without the written consent of the respective governing body, and

**WHEREAS**, the City of Orangeburg finds that the recruitment of industry is a vital function of a municipality and that same is in the best interest of its citizens.

**NOW THEREFORE BE IT RESOLVED BY CITY COUNCIL DULY ASSEMBLED, THAT:**

The City of Orangeburg shall join with the County of Orangeburg in the execution of a Purchase and Sale Agreement between the Commission and Company obligating both the City of Orangeburg and County of Orangeburg to pay interest incurred by the Company in the construction and financing of the building described hereinabove, subject to the following conditions and limitations:

- a. The cost of said building referred to in the Purchase and Sale Agreement as "Shell Cost" shall not exceed Four Million Five Hundred Four Thousand One Hundred Seventy Six and 00/100 (\$4,504,176.00) Dollars for purposes of determining the "Carrying Cost";
- b. Interest on the "Shell Cost" (referred to in Purchase and Sale Agreement as "Carrying Cost") shall be at the per annum rate of "prime rate" as published from time to time in The Wall Street Journal or if The Wall Street Journal shall cease publication or cease publishing the "prime rate", such other publication of similar quality and circulation as the Company may select;
- c. The obligation to pay said interest shall be for initial term of three (3) years as provided for in the Purchase and Sale Agreement;
- d. Any extension of said time period or the exercise of option to purchase the said building in accordance with the Purchase and Sale Agreement shall require the written consent of the City of Orangeburg;
- e. The City of Orangeburg shall be obligated to pay only one half (½) of the said "Carrying Cost";
- f. The obligation of the City of Orangeburg to pay said "Carrying Cost" and the authority to enter into the Purchase and Sale Agreement shall be conditioned upon the County of Orangeburg also entering into said Purchase and Sale Agreement as authorized by its

governing body and obligating the County to pay the remaining on half (½) of the said "Carrying Cost".

**BE IT FURTHER RESOLVED THAT**, upon the satisfaction of the above conditions and limitations and with the approval of the City Attorney, Paul A Miller, Mayor of the City of Orangeburg is directed and authorized to execute the above described Purchase and Sale Agreement.

**DONE AND RATIFIED BY THE CITY OF ORANGEBURG, STATE OF SOUTH CAROLINA THIS 6<sup>th</sup> DAY OF November, 2007.**



Paul A. Miller  
Mayor

James W. Rhines  
Charles B. Bradley  
Sandra L. Hines  
John D. Staire

Members of Council

ATTEST: Carrie H. Johnson  
City Clerk



**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 November 6, 2007, 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 \$ 1,156,000.00 at 3.45% APR for three (3) years, by entering into an Equipment Lease Purchase Agreement with South Carolina Bank and Trust as Lessor and the City of Orangeburg as Lessee (the "Agreement") according to the terms set forth in the Bid Proposal from South Carolina Bank and Trust, presented at the board meeting; and the Equipment will be used by the Lessee for the following purpose: To provide new and cost efficient equipment for the operation of City government.

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

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

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

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

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

**John H. Yow, City Administrator**

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

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

**Passed by the City Council of the City of Orangeburg, South Carolina this 6th day of November 2007.**



ATTEST:

*Carrie H. Johnson*  
City Clerk

Paul A. Miller, Mayor

*Jacquel Rhoney*  
*Paul R. Ryan*  
*Charles B. Braddy*  
*Dorinda P. Kuttles*  
*Paul R. Ryan*

**Exhibit A  
Equipment List  
Lease-Purchase Financing**

**General Fund**

40/01	Vehicle	\$24,000.00	Car or SUV for the Public Works Director.
40/30	Automatic Fluid Exchanger	\$4,000.00	Equipment to change the transmission fluid on new vehicle transmissions.
40/30	19,000 lb. Car lift	\$24,100.00	To be used at the City garage, platform with jacks for lifting cars and small trucks.
40/60	Grapple Unit	\$100,000.00	Truck mounted grapple unit for loading yard trash into separate trailer.
40/60	Commercial Truck	\$215,000.00	Front loading garbage truck used to dump 2 yd. to 8 yd. containers.
40/60	Recycling Truck	\$100,000.00	Cab and chassis with recycling body attached for curbside collection of recyclables.
60/20	Four Police Car Units	\$116,000.00	Four full-size patrol package vehicles designated primarily for patrol.
60/25	One Unmarked Unit	\$24,000.00	One specialty patrol vehicle designated.
60/25	Animal Control Vehicle	\$18,000.00	One pickup truck for animal control.
60/25	Fire Pumper Apparatus	\$300,000.00	One NFPA approved & equipped fire pumper apparatus to serve for primary emergency response.
60/30	Two unmarked Units	\$48,000.00	Two specialty patrol vehicle designated for investigative purposes
70/20	½ Ton Crew Cab Pickup	\$21,000.00	Half-ton crew cab pickup truck to enable the transport of a larger crew.
70/20	Front Deck Mower	\$11,500.00	Front deck mower with bagging capabilities.
70/40	Ball Field Mower	\$23,000.00	Front deck mower to be used exclusively on the turf areas of the various athletic fields in the park system.
70/40	Infield Machine	\$11,000.00	A small tractor w/ implements that will plow, level and smooth..
90/10	1/2 Ton Pickup	\$15,000.00	To be used by supervisor of grass cutting crew.
90/10	Tractor & Cutter (utility tractor and mower)	\$18,000.00	To be used for grass cutting and maintenance on right-of-ways and at the airport.
90/10	Backhoe (rubber tire backhoe loader)	\$57,900.00	To be used for storm debris removal and drainage maintenance.
Sub-Total		<b>\$1,130,500.00</b>	

**Hillcrest Fund**

	Boom Sprayer	\$26,000.00	A motorized sprayer with extendable arms.
Sub-Total		<b>\$26,000.00</b>	
<b>Total</b>		<b><u>\$1,156,500.00</u></b>	



**RESOLUTION OF  
CITY COUNCIL  
City of Orangeburg, South Carolina**

**WHEREAS,** the Orangeburg City Mayor and Council deems it to be in the best interest of its employees 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 Mayor and Council hereby adopt and approve this Cafeteria Plan as amended and restated to become effective as of 11/15/2007; and,

**BE RESOLVED FURTHER** that the City Council 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; and,
- B. Appoint a plan administrator for such plan, and change such administrator from time to time; and,
- C. Contract with Benefit Coordinators, 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 minutes of this meeting.

**CERTIFICATION**

The foregoing is a true copy of a Resolution duly adopted by the Mayor and City Council at a meeting on November 6, 2007 and entered in the minutes of such meeting in the City's Minute Book.



**ATTEST:**

Carrie H. Johnson  
**CITY CLERK**

James M. Min  
**MAYOR**  
James W. Rhoney  
Charles D. Hays  
Charles B. Boudreau  
Andrea L. Kuttles  
Benjamin Haire  
**COUNCIL MEMBERS**



**RESOLUTION TO RATIFY THE LAW ENFORCEMENT ASSISTANCE AND SUPPORT  
AGREEMENT BETWEEN THE CITY OF ORANGEBURG AND THE CITY OF  
CHARLESTON**

**WHEREAS**, the City of Orangeburg and the City of Charleston entered into a Law Enforcement Assistance and Support Agreement on October 26, 2007 with a termination date of October 29, 2007, and

**WHEREAS**, Kevin Bronson, Assistant City Administrator and Edward A Conner, Captain, Orangeburg Department of Public Safety executed said document on behalf of the City of Orangeburg, and

**WHEREAS**, the authority of said agents of the City of Orangeburg to execute said Agreement without council approval is uncertain, and

**WHEREAS**, the City of Orangeburg and the City of Charleston by separate Resolutions intend to ratify said agreement and the authority of those agents of the cities executing said Agreement.

**NOW THEREFORE BE IT RESOLVED BY CITY COUNCIL DULY ASSEMBLED, THAT** the Law Enforcement Assistance and Support Agreement between the City of Orangeburg and the City of Charleston dated October 26, 2007 consisting of 3 pages and an Exhibit A is hereby ratified in its entirety, including the authority of Kevin Bronson, Assistant City Administrator and Edward A. Conner, Captain, Orangeburg Department of Public Safety to execute said Agreement :

**DONE AND RATIFIED BY THE CITY OF ORANGEBURG, STATE OF SOUTH CAROLINA THIS 6<sup>th</sup> DAY OF NOVEMBER, 2007.**



Mayor

*James G. Min*  
*Jasper W. Rhener*  
*Frank D. [unclear]*  
*Charles B. Brantley*  
*Dandee L. [unclear]*  
*Edward [unclear]*

Members of Council

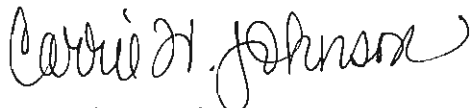
ATTEST: *Carrie H. John*  
City Clerk

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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

CWJ/pfb



## CITY COUNCIL MINUTES

### November 20, 2007

Orangeburg City Council held its regularly scheduled meeting on Tuesday, November 20, 2007, at 7:00 P.M., in Council Chambers with Mayor Miller presiding.

#### **PRESENT:**

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

A motion was made by Councilmember Jernigan, seconded by Mayor Pro Tem Haire, to approve the November 6, 2007, City Council Minutes as distributed. This was a 5-0-1 vote as Councilmember Miller abstained as he was not present at the last meeting.

Mayor Miller, DPU Manager Fred Boatwright and Mike Sells presented a Retiree Resolution and a gold watch to Bernie L. Medley for his thirty-one years, four months and twenty-nine days of service with the City of Orangeburg Department of Public Utilities.

DORA Manager, Bernice Tribble, addressed Council. She stated " I want to thank the City for their support in everything DORA does. I want to express my appreciation in everything the City has done."

Mr. Curt Campbell, President of DORA, addressed Council. He stated, "I want to thank the City for it's support in events especially the Taste of Orangeburg. I want to thank Durwood Bowden and his merry men and the Department of Public Safety, as well as Curtis Brown and Richard Hall for their help with the Christmas program this past Sunday. Please remember that Mrs. Clause and Del Rae will be at DORA Park on December 15th and December 22<sup>nd</sup> from 12:00 Noon to 2:00 P.M."

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to approve the second Reading of an Ordinance to amend Chapters XII and XIII of the Code of Ordinances of the City of Orangeburg, South Carolina, providing for the change of fees charged for building permits. This motion was unanimously approved.

A motion was made by Councilmember Rheney, seconded by Mayor Pro Tem Haire, to approve the Second Reading of an Ordinance authorizing the sale of Lot 4 on a subdivision plat of Maude R. Hydrick, ET, AL, by H. Frank O'Cain CE dated December 22, 1954, fronting on Dogwood Avenue (currently Pinebrook Street) to HCC Developers, LLC in the amount of \$14,500.00. This motion was unanimously approved.

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to approve the First Reading of an Ordinance to amend Municipal District Map dated November 6, 2001, for the purpose of adding newly annexed City property, 2000 Chestnut Street, 2083 Loblolly Lane and property on Chestnut Street between Pinebrook Street and Loblolly Lane to Municipal Council District #2. This motion was unanimously approved.

Mayor Pro Tem Haire stated, "Since these new areas are being incorporated into the City that the precincts reflect that and they are not in suburban precincts. We need to put forth an effort that these areas be assigned to the nearest City precinct or ward."



## RESOLUTION

WHEREAS, Bernie L. Medley, faithfully served the Department of Public Utilities of the City of Orangeburg for thirty-one years, four months and twenty-nine days with a retirement date of September 20, 2007; 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. Medley in recognition of his services.

PASSED BY the City Council of the City of Orangeburg, State of South Carolina, this 20<sup>th</sup> day of November 2007.



*Paul G. Miller*

Mayor

*Glenn Haire*

*Chris Dugan*

*Joseph W. Phares*

*Angela P. Fink*

*Charles B. Bannawell*

*Travis A. Miller*

Members of Council

ATTEST:

*Carrie H. Johnson*

City Clerk

**Page 2**

A motion was made by Councilmember Barnwell, seconded by Councilmember Rheney, to approve the reappointment of Edgar McGee, Marion Mack and Kevin Bair to the Construction Board of Adjustments and Appeals with terms expiring July, 2007. This motion was unanimously approved.

There were no utility matters brought before Council.

Mayor Pro Tem Haire addressed Council to address an issue of personal privilege. He stated, "I would like to discuss the intersection of Columbia Road and Chestnut Street. I perceive it rather dangerous for persons who are traveling near St. Andrews United Methodist Church from Smith's Service Station toward Chestnut Street in making the turn east on Chestnut in front of St. Andrews. It is dangerous and the lanes are dangerous. If we don't impress on someone to study this to make it safer, we'll have a fatality and we'll be remiss in not requesting that something be done with this particular intersection. It is very difficult to see when there is a lot of traffic. There are barriers that prevent drivers from seeing ongoing cars going east on Chestnut."

Councilmember Jernigan stated, "I agree one-hundred percent. I was coming out of church Sunday and it took a while to get out. Traffic was going so fast, it's difficult to get out and it is dangerous."

Mayor Miller stated, "I speak from experience, it's a blind spot where the curve is, you can't see the traffic coming and someone is going to get hurt. I have about stopped going that way."

City Administrator Yow stated that City staff has been discussing this intersection for several weeks. The Department of Public Safety has used signs recently in the past to warn drivers of this intersection. He reminded Council that this intersection has been discussed in the past in regards to speed limits and left turn signals.

A motion was made by Mayor Pro Tem Haire seconded by Councilmember Barnwell that Council request a study to be done at the intersection of Columbia Road and Chestnut Street as it regards to ingress on Chestnut Street. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, 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 4, 2007**

Orangeburg City Council held its regularly scheduled meeting on Tuesday, December 4, 2007, at 6:30 P.M., with Mayor Miller presiding.

**PRESENT:**

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

A motion was made by Councilmember Jernigan, seconded by Councilmember Rheney, to approve the November 20, 2007, City Council Minutes as distributed. This motion was unanimously approved. Councilmember Barnwell was not present for the first six items.

A motion was made by Councilmember Rheney, seconded by Councilmember Jernigan, to approve the Third Reading of an Ordinance to amend Chapters XII and XIII of the Code of Ordinances of the City of Orangeburg, South Carolina, providing for the change of fees charged for building permits. This motion was unanimously approved 6-0.

A motion was made by Councilmember Jernigan, seconded by Councilmember Knotts to approve the Third Reading of an Ordinance authorizing the sale of Lot 4 on a subdivision Plat of Maude Hydrick, ET. AL. by H. Frank O’Cain CE dated December 22, 1954, fronting on Dogwood Avenue (currently Pinebrook Street) to HCC Developers, LLC in the amount of \$14,500.00. This motion was unanimously approved 6-0.

A motion was made by Councilmember Rheney, Seconded by Councilmember Jernigan, to approve the Second Reading of an Ordinance to amend Municipal District Map dated November 6, 2001, for the purpose of adding newly annexed City property, 2000 Chestnut Street, 2083 Loblolly Lane and property on Chestnut Street between Pinebrook Street and Loblolly Lane to Municipal Council District #2 . This motion was unanimously approved 6-0.

A motion was made by Councilmember Rheney, seconded by Councilmember Miller, to cancel the January 1, 2008, City Council meeting for the holiday, New Year’s Day. This motion was unanimously approved 6-0..

Ms. Patricia Salley, of Orangeburg County Development Commission accepted the Character Trait Proclamation for the month of December 2007, "Courtesy".

Parks & Recreation Director, Buster Smith, addressed Council as to the recommendations from the Accommodations Tax Advisory Committee. The Chamber of Commerce was once again designated as the lead agency. The recommendations were as follows:

Orangeburg County Chamber of Commerce and the City of Orangeburg for the Orangeburg Festival of Roses for the promotion of the Festival	\$4,100.00
Orangeburg County Fine Arts Center – Festival of Roses and Showcase Promotion	\$2,500.00
Orangeburg County Chamber of Commerce for tourism related items	\$6,000.00
DORA for printing of the Downtown Walking Tour Brochure	\$2,500.00

City of Orangeburg Parks & Recreation Department for rack cards and advertising	\$2,800.00
Orangeburg Part Time Players for additional promotion of the productions	\$ 500.00
The grand total of funding is:	\$18,400.00

A motion was made by Councilmember Miller, seconded by Councilmember Jernigan, to approve the recommendation from the Accommodations Tax Advisory Committee. This motion was unanimously approved 7-0.

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

A Public Hearing was opened at 7:00 P.M. for comments.

Assistant City Administrator Bronson addressed Council as to the 75% petition method for this annexation. He stated, "It is required by State Statute that we hold a Public Hearing on a 75% Petition for annexation. These twelve properties are up for consideration."

Councilmember Barnwell asked, "I thought the Planning Commission voted in parcel #1 differently?"

Assistant Bronson stated, "The Planning Commission did make a recommendation different than what you see here, this is what has been advertised. That is why you still see parcel #1, as B-1 General Business because that is what the applicant requested."

City Administrator Yow stated, "If Council passes First Reading, they would need to make specific mention of that change."

Councilmember Barnwell asked, "Parcel #11 has been requested to be rezoned as multi-family and #12 is to be single family?"

Assistant City Administrator Bronson replied, "Yes."

Councilmember Barnwell stated, "I have a problem with parcels #11 and #1. It seems like #11 should be single family and #1 should be A-2."

Assistant City Administrator Bronson stated, "The Planning Commission did recommend A-2 on parcel #1. Parcel #11 is requested for A-2. Mr. Jai Rai, who is here tonight, owns that property and he has already built a duplex on that property. He has subdivision approval already from the County to build duplexes on that property. His rights may already be fully vested. He is already far enough along. What we are approving here is to bring them into the City. What we have to watch for now is his vested rights in the property. If you go back to the SC State Code, it outlines how far along a property owner may be in developing a property for their rights to be vested. When you look at that language it specifically cites if that property owner goes in and clears the property and pulls the appropriate permits, here it would be the County, his rights would be vested if we then annexed him into the City."

Councilmember Barnwell replied, "That is not my interpretation."

Assistant City Administrator Bronson stated, "The State Code goes through different levels of activity clearing a piece of property is one level of activity, pulling a permit to construct on that property is the next level, the only thing he hasn't done is completing the construction."

Councilmember Barnwell asked, "What about the pieces fronting on Columbia Road? What if those want to come in? Will that be attempted to be vested?"

Assistant City Administrator Bronson stated, "If the construction is ongoing and the permits have been pulled, it would be vested."

Councilmember Barnwell stated, "I don't agree with that."



Mayor Miller stated, "That doesn't have anything to do with this, he may not want to come into the City."

Councilmember Barnwell replied, "Of course, he will."

Councilmember Jernigan asked, "I have one question on Parcel #9, the burial ground. I didn't know there was a cemetery there and apparently it is an old cemetery. What are the City's responsibilities if we annexed that into the City, if any?"

Assistant Bronson replied, "Our responsibilities are we annex it and we will protect it with Public Safety. There are no requirements for sanitation, no one lives there, there will be no maintenance. There are no markers in that cemetery and there are trees on the lot. When I spoke with the pastor to sign the petition, the church intends to clean it up and put a fence around it."

Councilmember Jernigan stated, "We don't know how old it is?"

Assistant City Administrator Bronson replied, "No, and no one that I spoke with at the church had any idea. There are people at the church that claim to have family buried there."

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

Mr. Jai Rai addressed Council and stated that he has requested a multi-unit on parcel #11. He stated, "Around my property there are already multi-units on each side and around the property. The Planning Commission has already given me approval, so please give me permission to come into the City. I signed the petition to come into the City as a multi-unit designation."

Councilmember Jernigan asked, "What type of multi-unit housing are you building?"

Mr. Rai replied, "There are four nice apartments in one building, single story. We are going to build them nice for the area."

Councilmember Jernigan asked City Attorney Walsh, "If we annex this into the City as A-2 residential, he then comes under our codes and ordinances as far as construction?"

City Attorney Walsh replied, "It will depend on what stage the construction is in, he could be grandfathered in, because I think one of them is almost complete. Unless he can establish a vested right in the property."

Mr. Clay C. Jones addressed Council. "I am coming here on behalf of the Reverend Isaiah Jones for parcel #9, cemetery. Since the apartments have been built, we have no easement to the cemetery to get to it. I think they recently put a pipeline in. It goes next to the cemetery and if we could use the right of way to get to the cemetery."

City Attorney Walsh stated, "No, you could not."

Mayor Miller asked, "How have you been getting in there?"

Mr. Jones replied, "We have been going on the right of way and going on someone else's property to get to it. We recently had it surveyed, it is small, less than ¼ acre. We don't have any way to get to it. We wanted to get in to clean it up, put a memorial up and a gate, there will be no burials."

City Attorney Walsh stated, "If you go check your title, I would suspect you have an access to that property."

Mr. Jones replied, "The surveyor told me that the right of way was sold to a developer. The cemetery is sitting there in the middle of other people's property."

Mayor Miller suggested that he contact some of the property owners to try to get permission for ingress and egress to the cemetery. He stated, "If you sold the right of way, you are going to have

Page 4

to make some peace with a property owner in order to maintain the property. Someone should allow you to do that."

Councilmember Barnwell asked, "What type of easement is that."

City Attorney Walsh replied, "It is some type of sewer line."

Department of Public Utilities Manager Boatwright stated, "It is an easement we acquired from a third party and it only gives us the right to put a sewer line there, it does not give us the right to grant that to someone else."

Mayor Pro Tem Haire asked, "We are saying that he needs to talk to some of the other property owners to negotiate to get access to the cemetery, which is their property. We are saying as a City, we won't allow him to walk on our right of way?"

City Attorney Walsh replied, "We don't have the right to grant that?"

DPU Manager stated, "The only thing we have the right to do is to put a sewer line in and maintain it. We don't object to them doing that, but we don't have the legal authority to grant permission to do that."

Councilmember Jernigan asked, "The people we have the easement from, can they get permission from them to cross that easement?"

City Attorney Walsh stated, "Yes."

City Administrator Yow stated, "We went to them to ask for a right and we can't convey that right to anyone else."

There was a discussion on the easement and the property description and whether the surveyor was correct. It was discussed that the church personnel contact Mr. Boatwright at DPU to get the easement information and to contact the owner to get permission to use the easement.

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

Hearing no other comments, the Public Hearing was closed and Council then entered back into the regular scheduled City Council Meeting.

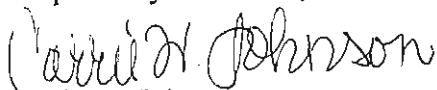
A motion was made by Councilmember Rheney, seconded by Mayor Pro Tem Haire, to approve the First Reading of an Ordinance to annex property through the 75% petition and ordinance method specified by SC Code § 5-3-150(1) along Columbia Road, Longwood Drive, Bowman Avenue and Churchill Road. This was a 6-1 vote as Councilmember Barnwell opposed.

A motion was made by Councilmember Miller, seconded by Mayor Pro Tem Haire, to approve the First Reading of an Ordinance to amend Municipal District Map dated November 6, 2001, for the purpose of adding newly annexed City property to Council District #2. 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

**CITY COUNCIL MINUTES  
DECEMBER 18, 2007**

Orangeburg City Council held its regularly scheduled meeting on Tuesday, December 18, 2007, at 7:00 P.M., in Council Chambers with Mayor Miller presiding.

**PRESENT:**

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

**ABSENT:**

Trelvis A. Miller

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to approve the December 4, 2007, City Council Minutes as distributed. This motion was unanimously approved.

A motion was made by Councilmember Rheney, seconded by Councilmember Jernigan, to approve the Third Reading of an Ordinance to amend Municipal District Map dated November 6, 2001, for the purpose of adding newly annexed City property, 2000 Chestnut Street, 2083 Loblolly Lane and property on Chestnut Street between Pinebrook Street and Loblolly Lane to Municipal Council District #2. This motion was unanimously approved.

Assistant City Administrator Bronson overviewed the Ordinance for the Second Reading to Council for annexation of property through the 75% petition method. Councilmember Barnwell made a motion to separate parcels and vote on 1-10 and #12 as previously passed and vote on parcel #11 separately as a single family A-1 Residential, excluding the apartment already under construction. This motion was seconded by Councilmember Jernigan. Mayor Miller asked if the parcels could be explained on the map. Councilmember Barnwell stated again that parcels 1-10 and #12 be voted on in the Ordinance and exclude #11 in the current Ordinance as previously voted on in First Reading and bring in #11 as single-family A-1. Councilmember Jernigan asked, "What is parcel #1?" Assistant City Administrator Bronson replied, "At First Reading, it was voted as A-2, on the map it is still showing as commercial. It is A-2 in the Ordinance." Mayor Pro Tem Haire stated, "I think it will be unfair to have someone come to Council and ask for one classification under the petition method and we as Council change it, I don't think as Council that this is something we should do, I am opposed to that." Councilmember Jernigan asked, "If we go back to the Planning Commission, what did they recommend or discuss?" Assistant City Administrator Bronson replied, "There was not a lot of discussion on that, the discussion was mainly on parcel #1, which was asked to be zoned B-1." Councilmember Barnwell stated, "The reason for my motion is that I am not opposed to #1 - #10 and #12. I was given misinformation at the last meeting. This property has not been permitted and permits have not been issued. We are not bound by state law on this. I have spoken to a number of people in that neighborhood including the nursing home and they are opposed to this multi-unit residence." Councilmember Jernigan asked, "What is parcel #12 going to be?"

Councilmember Barnwell stated, "It is going to be a gated community of single family residents according to the representatives that were here last week." Councilmember Jernigan stated, "We have been trying when we re-zone properties where we have taken the stand to keep apartments and multi-family units somewhat separated from single family homes in the City of Orangeburg. What we are doing here is going against what we have tried to do in the past in the City and keep them separated. What affect does this have on annexation?" City Attorney Walsh stated, "You have enough for

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the 75% to take it out of the petition. You don't need a petition for #11. You have enough signatures to annex it."Councilmember Jernigan asked, "Why is it coming up to be A-2 anyway?"Assistant City Administrator Bronson stated, "Right now there is a multi-unit residence under construction and Mr. Rai has requested that this be A-2 as multi-unit because he intends to build more multi-units on that property."City Attorney Walsh stated, "Mr. Barnwell is right, he does not have building permits other than the building he is building now."Councilmember Jernigan asked, "What does the law say if he requests A-2, are we bound to it?"City Attorney Walsh stated, "We are not bound to it at all."Councilmember Knotts asked, "The motion is to exclude Parcel #11, why?"Mayor Miller replied, "To exclude parcel #11 so that it can be amended to A-1-single family."Councilmember Knotts asked, "How would that affect what is already built?"Mayor Miller stated, "That would be grand-fathered in."Councilmember Rheney asked, "How many units are being planned there?"Assistant City Administrator Bronson stated, "Twelve, one-story units."The motion was restated by Councilmember Barnwell to amend the Ordinance to change parcel #11 to A-1 and all the others will remain the same. Councilmember Jernigan seconded his motion to amend. The vote was 2-4 as Mayor Miller, Mayor Pro Tem Haire, Councilmember Knotts and Councilmember Rheney opposed the motion.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Rheney, to approve the

Second Reading of an Ordinance to annex property through the 75% petition and ordinance method specified by SC Code § 5-3-150(1) along Columbia Road, Longwood Drive, Bowman Avenue and Churchill Road. This was a 5-1 vote as Councilmember Barnwell opposed.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the Second Reading of an Ordinance to amend Municipal District Map dated November 6, 2001, for the purpose of adding newly annexed City property to Council District #2. This motion was unanimously approved.

A motion was made by Councilmember Jernigan, seconded by Councilmember Barnwell, to approve the purchase of a Fire Pumper Apparatus to FES/Ferrera in the amount of \$295,912.00 giving authority to City Administrator Yow to issue the purchase order. 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 Barnwell, to enter into an Executive Session for contractual matters concerning (1) DPU and Orangeburg Municipal Airport-power line easements with Santee Cooper and (2) change order for AOS Specialty Contractors, Inc., Contract (Streetscape Contractor) with the City of Orangeburg. This motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,

*Carrie W. Johnson*

Carrie W. Johnson  
City Clerk

/pfb

