

JANUARY 1, 2008  
CITY COUNCIL  
MEETING  
CANCELED  
DUE TO  
HOLIDAY  
NEW YEAR'S  
DAY

## City Council Minutes January 15, 2008

Orangeburg City Council held its regularly scheduled meeting on Tuesday, January 15, 2008, 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**  
**Trelvis A. Miller**  
**Joyce W. Rheney**

A motion was made by Councilmember Barnwell, seconded by Councilmember Miller, to enter into an Executive Session. This motion was unanimously approved.

A motion was made by Councilmember Rheney, seconded by Mayor Pro Tem Haire, for Council to return to Open Session. This motion was unanimously approved.

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to approve the December 18, 2007, City Council Minutes as distributed. This was a 6-0-1 vote as Councilmember Miller abstained as he was not present at the last meeting.

Ms. Avis Butler addressed Council. She stated, "I am president and co-owner of Mandarin Land Development Company. My partner is also here, who is a builder in South Carolina. During the last year and a half we have diligently worked with City staff with a planned development for an upscale subdivision on Longwood Drive. I must say that the cooperation we received from the City Administrator's Office, Department of Public Utilities and the Public Works Department was basically second to none. They were responsive, prompt and we really enjoyed that process. What we finally ended up with was a forty (40) unit single-family detached housing development on a twenty (20) acre site located on Longwood Drive. What we are requiring, with respect to covenants and restrictions, are brick homes with a minimum of 2000 square feet, irrigation systems, landscaped yards and common areas and a beautiful site border. We carefully chose that development based on the existing character of the neighborhood and the housing there. Because we are planning an 8 to 10 million dollar investment for this development for housing ranging from \$200,000 to \$270,000, we are very concerned of the zoning of the A-2 property adjacent to our property. If you take a look at your map, we are #12; our property surrounds the property in question. As you can see all the property surrounding mine is single-family. What we are saying, if there is a zoning of A-2 next to our property, then we really believe that this would render our project unfeasible as A-1. We found out that in the last twenty-nine years, the only property that has been built in the immediate vicinity that is not single family are the two elderly assisted living facilities owned by Longwood Plantation. We respectfully request that you reconsider the A-2 zoning of the property next door. We are excited about coming into the City; we would like to have developments that are compatible."

Mr. Freddie Ford addressed Council. He stated, "I am one of the owners of Longwood Plantation and of Ford's Tire on Russell Street. My primary job at Longwood is to protect the safety and welfare of our residents. We have an assisted living home there with thirty-four (34) beds and adjacent to that we have Magnolia Place, which is a sixteen (16) bed Alzheimer's Unit, which is next door to the property that is in question tonight. We are not here tonight to fight annexation of this property; coming into the City is not a bad thing. Multi-family housing on Longwood Drive is a bad idea. At Longwood, we fight everyday for their quality of life issues for our people who are residents that cannot take care of themselves. We fight tooth and nail to make sure that they have a good quality of life while they are there. Mr. Rai has started this development right next door to us on Prakash Court. Up to this point, he has repeatedly shown that he cannot follow rules, which includes a trespass order, DHEC Cease and Desist, unlawful burning on June 26, 2007, and several stop work orders from

Orangeburg County. He built his first building on the DPU right-of-way in which you made him cut down. He didn't observe the set-back regulations from Orangeburg County; he is only 6-8 foot off of my property and the latest being a litter violation from Orangeburg County on January 2, 2008. I want you to understand that some folks do exactly what they say and others do whatever they can to get by. You can see the pictures of construction debris and people changing oil on Shadowlawn. The property he intends to build next to me is identical. In most places, this type of property in an area it is now, would be considered a nuisance property. It is like this, if you were having a wedding for your daughter, she walks up the aisle and someone hands you a piece of paper and the man she is marrying is not what he appears to be and the reception is paid for and everyone is there, what do you do? You have a choice; we will handle it afterwards or let's stop the show. Let's revisit it and make sure it is what it is. Please take this into consideration. Thanks for all the support. We can disagree without being disagreeable. I don't have anything against Mr. Rai other than this project is in a bad place."

Mayor Miller replied, "We would love for you to come into the City."

Mr. Ford replied, "A lot of decisions are economic. When we have residents there that get \$2,000.00 a month and that pays for their stay and their pills. I want one of you to come out there and tell them we are going up and you are going to have to pay another \$100 a month and they will respond, where am I going to get it? At some point in the future, any one of us could be in there and someone will have to stand up and fight for our rights. If it was about money, we'd have a McDonald's, it is about caring for people and that is our life and I appreciate you listening to me."

Mr. Clarence Higginbotham addressed Council. "I have a unique situation in that I live next door to the individual that owns this property by the nursing home for about five years. I wish to protest the multi-family building he proposes to build on Longwood Drive. He has other such properties in the area that are absolute slums with abandoned automobiles, air conditioning units not being used on the ground and trash in general. This former resident is about as trashy. When he removed stairs from the rear of his former house that he still owns and added a back porch, the discarded lumber was piled at the back of his property line and it stayed there for at least two years. My request to remove it from the area adjacent to my property was ignored with a promise to move it, which took two years to complete. It attracted rodents, snakes and pests. There are about three or four pallets that came with the building materials to build that porch and as of dark today, the pallets are still there. The new buildings on Longwood under multi-family will reduce the value of all properties on Longwood and Riley Streets. If it were zoned single-family, it would be a considerable improvement to the area."

Ms. Diane Weeks addressed Council. "I became aware of a multi-family housing where there were going to be forty-eight(48) apartments being ninety-six (96) cars, since most people have two in that area. I live on Riley Street and I live in the City. I elected you as my City Council people to protect my interest. Little did I know that I needed to read every little sign that is posted on a pole to alert me to a Public Hearing. I have become aware of that and I now will pay more attention to every sign so I can then become a part of protecting my interest. I watched the first building go up, as I go down that street several times a day, and I was amazed as to how it was built. It is not quality construction. It will not improve my home value or the people in that area. I ask you to reconsider this as there is one building there and twelve (12) more in the works. I ask you to consider what are you doing? I am a person who votes in every election possible, I can remember who can look out for my best interests and I ask you to consider that for myself and the other residents in that area."

Assistant City Administrator Bronson overviewed the Third Reading of the Ordinance to annex the within described property through the 75% petition method.

Councilmember Miller commented, "I was not at the last meeting for my voice to be heard due to my daughter having pneumonia and this particular item did the City no good. Unfortunately, I couldn't send my vote through email, text or through another Councilmember. I am against this property coming into the City as A-2. My position has not changed. I feel your heart burn and if I was in direct eyesight of this property, I would be strongly against it. I would like to express this to you as it relates to this."

Page 3

Councilmember Barnwell made a motion to separate the parcels and vote on parcel #'s 1-10 and #12 and vote separately on parcel #11 as A-1 Residential. This motion was seconded by Councilmember Miller.

A brief discussion was held on how to clarify the zoning on one parcel.

Councilmember Barnwell amended his motion to pass the Ordinance as written and amended parcel #11 as a A-1 Residential, Tax Map # 0174-09-06-020, 102-109 Prakash Court owned by Jai Rai. This motion was seconded by Councilmember Miller.

Mayor Pro Tem Haire stated, "I am troubled by what I have lately learned as to some finagling that has gone on as it relates to the plot we're talking about bringing in as A-1 in the City. Because of the finagling, I'll change my vote and support the amendment that has been made and I will no longer vote or support the idea of parcel #11 as A-2."

Council's vote was unanimous to amend the Ordinance.

A motion was made by Councilmember Miller, seconded by Councilmember Jernigan, to approve the Third Reading of the Ordinance to annex the property through the 75% petition method to include the amendment of parcel #11 as A-1, Tax Map #0174-09-06-020, 102-109 Prakash Court for annexation. This motion was unanimously approved.

A motion was made by Councilmember Jernigan, seconded by Councilmember Barnwell, to approve the Third Reading of an Ordinance to amend the 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.

Mr. Don Tribble, Community of Character Director at the Orangeburg County Chamber of Commerce, accepted the Character Trait Proclamation for January 2008, "Good Manners".

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Jernigan, to approve a Resolution to amend the Façade Grants Policy and Procedures. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve a Resolution to grant the City Administrator Yow the authority to approve and execute the right-of-way and easement to the South Carolina Public Service Authority. This motion was unanimously approved.

A motion was made by Councilmember Rheney, seconded by Councilmember Barnwell, to approve a Resolution to approve a change order with AOS Specialty Contractors for the construction of the parking area and courtyard at City Hall. This motion was unanimously approved.

City Administrator Yow explained the Ordinance amending Section 2-2.20 of the Code of Ordinances for the City of Orangeburg for the purpose of establishing an alternate procedure for the appointment or election of Board and Commission Members.

Councilmember Jernigan asked if everyone would try to do their best and get someone from their district as it is in their best interest to do.

A motion was made by Councilmember Knotts, seconded by Councilmember Rheney, to approve the First Reading of Ordinance amending Section 2-2.20 of the Code of Ordinances for the City of Orangeburg for the purpose of establishing an alternate procedure for the appointment or election of Board and Commission Members. This was a 6-0-1 vote as Mayor Pro Tem Haire abstained.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Rheney, to reappoint John (BoBo) Smith- District #2, Carroll Joye-District #1, and Lamar Tisdale-District #4, to the Aviation Commission. This is a four year term. This motion was unanimously approved.



**A RESOLUTION TO AMEND THE PROCEDURES AND GUIDELINES  
MANUAL FOR THE FAÇADE PROGRAM**

- WHEREAS,** The City of Orangeburg was awarded a \$500,000 by the United States Department of Housing and Urban Development thru the South Carolina Department of Commerce, Division of Grants Administration; and,
- WHEREAS,** The City Council formally adopted the Procedures and Guidelines Manual and appointed a Façade Oversight Committee to administer and implement the Façade Program according to the Procedures and Guidelines; and,
- WHEREAS,** The Façade Oversight Committee appointed by City Council has voted to amend the Procedures and Guidelines Manual to better meet the needs of the City of Orangeburg and the Façade Grant recipients; and,
- WHEREAS,** The first change approved by the Façade Oversight Committee and recommended for approval to City Council is to allow for change orders if the grant recipient has not received the maximum amount allowed by the program; and,
- WHEREAS,** The second change approved by the Façade Oversight Committee and recommended for approval to City Council is to remove the 30% revolving loan portion of the Façade Grant Program; and,
- WHEREAS,** The South Carolina Department of Commerce, Division of Grants and Administration has approved of the aforementioned changes.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of Orangeburg, South Carolina, in Council duly assembled, do amend the Procedures and Guidelines Manual for the City of Orangeburg's Community Development Façade Program as proscribed in this resolution.

**PASSED BY** the City Council of the City of Orangeburg, State of South Carolina, this 15<sup>th</sup> day of January 2008.



Attest:

Carrie N. Johns  
City Clerk

Paul G. Miller  
Mayor

Sam Haise

Dan R. R. R. R.

Charles B. B. B.

Michael A. A.

Charles D. D.

Joyce W. W.  
Council Members





## RESOLUTION

### A RESOLUTION TO AUTHORIZE RIGHT-OF-WAY AND EASEMENT TO THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY (SANTEE COOPER)

- WHEREAS,** The Orangeburg Municipal Airport is owned and operated by the City of Orangeburg and is located two miles south of downtown Orangeburg off of the Highway 21 bypass at 1811 Airport Road; and,
- WHEREAS,** The South Carolina Public Service Authority (also known as Santee Cooper) desires to acquire an additional 55 foot right-of-way and easement (9.335 acres) to its current 100 foot right-of-way and easement for a total of 155 feet of right-of-way and easement to construct a new 230 KV Transmission line parallel to their existing transmission line on the western side of the Orangeburg Municipal Airport property; and,
- WHEREAS,** The Federal Aviation Administration, Atlanta Airports District Office has reviewed and approved the conveyance of aforementioned additional right-of-way and easement with the following conditions (1) the \$27,928.15 compensation paid to the City be placed in an interest bearing account and utilized for payment of an FAA approved use on eligible projects at the Orangeburg Municipal Airport, and (2) The City of Orangeburg update the Orangeburg Municipal Airport's Airport Layout Plan (ALP) – Airport Property Map drawing (Exhibit A) with the aforementioned right-of-way and easement information; and,
- WHEREAS,** The new transmission line does not interfere with current or future airport operations; and,
- WHEREAS,** The South Carolina Public Service Authority will pay the City of Orangeburg a sum of \$27,928.15, equal to the fair market value and timber value of the 9.335 acre right-of-way and easement at the Orangeburg Municipal Airport; and,
- WHEREAS,** it is in the best interest of the City of Orangeburg, the Orangeburg Municipal Airport, the South Carolina Public Service Authority that the specified right-of-way and easements be granted for the specified dollar amount.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of Orangeburg, South Carolina, in Council duly assembled, that the City Administrator has authority to approve the conveyance of 9.335 acres in right-of-way and easement to the South Carolina Public Service Commission for the amount of \$27,928.15.

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

PASSED BY the City Council of the City of Orangeburg, State of South Carolina, this 15<sup>th</sup> day of January 2008.



Attest:

*Carrie H. Johnson*  
City Clerk

*Santee Cooper*  
Mayor  
*James H. Haime*  
*Donald H. Smith*  
*Charles E. Bennett*  
*Myron L. Hall*  
*Charles D. Jones*  
*James A. Sherry*



**RESOLUTION TO APPROVE CHANGE ORDER TO JUNE 4, 2007 CONTRACT WITH AOS SPECIALTY CONTRACTORS FOR CONSTRUCTION OF PARKING AREA AND COURTYARD**

**WHEREAS,** City Council has prioritized a new parking area and landscaped court yard as a project for early 2008; and,

**WHEREAS,** AOS Specialty, Inc., was the low responsible bidder and is the contractor on the current ongoing streetscape project; and,

**WHEREAS,** the City of Orangeburg is satisfied with their performance and high level of expertise; and,

**WHEREAS,** the type of work to be performed on the parking areas and court yard consists primarily of the same type work and units as the streetscape project; and

**WHEREAS,** the AOS Specialty Contractors Inc., has agreed to honor the same unit prices to the parking/court yard project as were bid on the Streetscape Project; and,

**WHEREAS,** the City's consultant architects and engineer, the Land Plan Group have reviewed the said unit prices and have determined them to be under their estimated project costs; and,

**WHEREAS,** City Staff recommends moving forward with the Parking/Court Yard Project with AOS Specialty Contractor Inc., and issuing a Change Order to June 4, 2007 Contract in the amount of \$225,000

**NOW, THEREFORE BE IT RESOLVED,** that the Mayor and Members of City Council, duly assembled direct City Administrator John H. Yow to execute Change Order with AOS Specialty Contractors, Inc. in the amount of \$225,000 for the construction of a parking area and court yard.

**PASSED BY** the City Council of the City of Orangeburg, State of South Carolina, this 15<sup>th</sup> day of January 2008.



ATTEST:

*Carrie M. Johnson*  
City Clerk

*James M. Min*

Mayor

*James M. Min*

*Dan R. Smith*

*Charles B. Smith*

*James M. Min*

*James M. Min*

*James M. Min*

Members of Council





**RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY AND EASEMENT AGREEMENT BETWEEN THE CITY OF ORANGEBURG AND SOUTH CAROLINA PUBLIC SERVICE AUTHORITY (SANTEE COOPER)**

**WHEREAS,** The South Carolina Public Service Authority (Santee Cooper) owns an electric transmission line right-of-way and easement 100 feet in width across property owned by the City of Orangeburg, Department of Public Utilities located at the Wastewater Plant at 369 Gulbrandsen Road (TMS# 171-00-01-010), and;

**WHEREAS,** The South Carolina Public Service Authority (Santee Cooper) and the City of Orangeburg Department of Public Utilities have agreed to relocation of the said 100 foot easement to the southernmost property line of the said property, and;

**WHEREAS,** The South Carolina Public Service Authority (Santee Cooper) wishes to acquire an additional electric transmission line right-of-way and easement 50 feet in width to run contiguous with the relocated right-of-way across said property owned by the City of Orangeburg, Department of Public Utilities, and;

**WHEREAS,** The South Carolina Public Service Authority (Santee Cooper) proposes to pay the City of Orangeburg \$32,025.61 for the additional Right-of-Way and Easement, and;

**WHEREAS,** by the Mayor and Members of Council of the City of Orangeburg, in Council assembled, and by authority of the same, that this Right-of-Way and Easement Agreement be accepted, and;

**NOW, THEREFORE, BE IT ORDAINED,** by Orangeburg City Council, duly assembled, that Fred H. Boatwright, Manager of the Department of Public Utilities is hereby authorized to execute the attached Right-of-Way and Easement Agreement for the purpose of granting to the South Carolina Public Service Authority a right-of-way and easement as described therein.

**DONE AND RATIFIED** by Council duly assembled this 15<sup>th</sup> day of January, 2008.



Paul G. Misen  
MAYOR

Joyce K. Henry

Charles D. Samuels

William H. Phil

Charles D. Samuels

James L. Smith

James H. Haire

MEMBERS OF COUNCIL

ATTEST:

Carrie N. Johnson  
CITY CLERK



Page 4

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Knotts, to approve the reappointment of Desiree Chavis-District #4, and Johnny Byrd-District #6, to the Board of Zoning Appeals. This is a four year term. This motion was unanimously approved. There are still two vacancies on the Board.

A motion was made by Councilmember Rheney, seconded by Councilmember Miller, to approve the reappointment of Deborah Stribling-District #2, William R. Evans, Jr.-District #4 and John H. Wolfe-District #6, to the Planning Commission. This is a four year term. This motion was unanimously approved. There is still one vacancy for District-#5.

Concerning the Department of Public Utilities, a Resolution to grant the right-of-way and easement to the South Carolina Public Service Authority was presented. A motion was made by Councilmember Barnwell, seconded by Councilmember Miller, to amend, the right-of-way and easement agreement.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the Resolution, as amended, granting DPU Manager Boatwright the authority to approve and execute the right-of-way and easement agreement to the South Carolina Public Service Authority. This motion was unanimously approved.

A motion was made by Councilmember Miller, 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



## City Council Minutes February 5, 2008

Orangeburg City Council held its regularly scheduled meeting on Tuesday, February 5, 2008, at 7:00 P.M. in Council Chambers with Mayor Miller presiding.

### **PRESENT:**

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

### **ABSENT:**

**Charles B. Barnwell**

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Knotts, to approve the January 15, 2008, City Council Minutes as distributed. This motion was unanimously approved.

A motion was made by Councilmember Rheney, seconded by Councilmember Miller, to approve the Second Reading of an Ordinance amending section 2-2.20 of the Code of Ordinances for the City of Orangeburg for the purpose of establishing an alternate procedure for the appointment or election of Board and Commission Members. This motion was unanimously approved.

City Administrator Yow overviewed the Zoning Ordinance and proposed amendments. (See Attached Zoning Ordinance Revisions)

Councilmember Miller asked if the digital signs that are out there now, if they were grandfathered in?

City Administrator Yow responded, "Yes."

There was a discussion on the cutting of trees by permit. Councilmember Jernigan asked, "If an individual wants to cut a tree in their yard and it is a hardwood, they can't cut it?"

City Administrator Yow responded, "They have not been able to cut any in the past greater than 24 inches and it will now be 18 inches"

Councilmember Jernigan asked, "Will they be subject to fines without a permit?"

City Administrator Yow responded, "Yes."

Councilmember Knotts asked, "If I have a tree in my yard and it is causing damage to my roof, I can't cut it?"

City Administrator Yow and Building Official Nelson stated, "No, you would be allowed to cut it."

Mayor Pro Tem Haire asked, "What is the rationale for this?"

City Administrator Yow responded, "For preserving and protecting the trees and forests and for beautification of the City."

Councilmember Knotts stated, "I can see it for new development but not for individuals."

**Page 2**

City Administrator Yow stated, "If you don't do it after a development, you regulate what can be done prior to development but after the development, they can cut everything down. We get a lot of calls when people cut trees without permits. Now, that is Council's call to leave this in or take it out."

Building Official Nelson stated, "What you have in your Ordinance right now states that you cannot cut a tree over 24 inches in diameter, what we are doing here is backing it up a little bit to 18 inches."

City Administrator Yow passed out an article on digital billboards for review that Council may want to address.

A motion was made by Councilmember Jernigan, seconded by Councilmember Rheney, to approve the Second Reading of an Ordinance to amend Chapter 24, Zoning Ordinance, of the Code of Ordinances to the City of Orangeburg, South Carolina. This was a 5-0-1 vote as Mayor Pro Tem Haire abstained.

Ms. Faye Menefee accepted the Character Trait Proclamation for February 2008, "Cooperation".

A motion was made by Councilmember Rheney, seconded by Mayor Pro Tem Haire, to approve a Resolution to declare February 2008, as "Cities Means Business Month". This motion was unanimously approved.

Chief Wendell Davis overviewed for Council a report concerning the reduction of crime in the City over the last ten years. He stated that Orangeburg County, as a whole, was rated number one in violent crime in 1998 in state and today the County is 38<sup>th</sup>. He further stated that the City of Orangeburg's crime rate has decreased 44% over the last ten years. He stated that there were several factors contributing to this decrease such as, increased emphasis on street enforcement, coordinating patrol and investigations, a zero tolerance policy for simple assaults that tend to escalate, the establishment of a crime analysis office, the employment of a forensic chemist, focusing on DNA, gang awareness, and other city departments focusing on urban blight and providing equipment. He also stated that Council helps control urban blight, for example, by demolishing the old apartments on Riverside which helped deter crime for that area.

There were no utility matters brought before Council.

Mayor Prop Tem Haire asked for a moment and stated, "To say I'm hot enough to spit bullets is an understatement. Yesterday evening, once again, Norfolk Southern decided that they are going to do their own thing in Orangeburg. After I got off of work, I headed home. I normally go across the Peasley Street crossing to Boulevard. I was not able to do this; however, I went down to Zan Street. I went home and got my camera and walked back up to the corner of Boulevard and Oak Street. There were a number of train cars blocking that intersection. After I made several pictures of the blockage and the train and cars, I walked down to where the engine was and there was a young man sitting inside there and I asked him how long he was going to block the intersection. He replied that it would be a while and I then asked as to why it was necessary to block the intersection. He replied that based on regulations we can only work twelve hours and we have met them. I then asked as to why they didn't move the train, unbuckle some of the cars and move it down. He replied that it was too long. On yesterday, the train was blocking the intersection one hour and forty-five minutes. I observed individuals who would normally go across Peasley Street, going down in order to go to Claflin and South Carolina State. Norfolk Southern does not wish to be inconvenienced, but it does not mind inconveniencing the citizens here in Orangeburg. I find this to be down right disturbing to me. We have attempted, as a Council, to try to get the speed lowered of the train coming through Orangeburg to no avail. I have been in contact with individuals from Graniteville who informed me that once the accident occurred there that Norfolk Southern reduced the speed to 25-30 mph coming through there. Does that mean there has to be an accident before the speed is reduced here? We have a too populated area for the speed of the trains coming through this area. Some of us have had the privilege of seeing some information that would scare any fair minded person to lower the speed coming through Orangeburg. In the City Code of Ordinances, for the City of Orangeburg, it mentions about blocking streets and crossings and time limits. According to our Ordinances, they are allowed only 5 minutes to block a



crossing. On last night, I know for a fact, that it was over an hour and forty-five minutes. We have an Ordinance on the books that governs truck routes and public safety officers stop trucks that violate these Ordinances. Last night, I observed two different patrol cars from Public Safety passing the blockage. No one stopped or made any inquiry as to what was going on, they just drove by. I am here tonight to ask that this Ordinance be enforced and that the Public Safety Officers issue necessary citations when needed. I would hope that the Ordinances that govern speed on the city streets are enforced and that this be enforced. I stayed up there until some relief crew came through. It is plain to see that Norfolk Southern can calculate where their crew will be in twelve hours and I would think they would have the common sense that they don't need to wait until the train stops in Orangeburg for them to then send a relief crew. I am really hot and I am disgusted and I need to know why we are not enforcing this Ordinance as it relates to blocking the street crossings?"

Chief Davis responded, "As of yesterday, I don't know why this happened. We put a procedure in place to address it by logging it into the computer into the CAD system. What I will do, I will look at that tonight and see if we can't write them a citation from that incident."

Mayor Pro Tem Haire stated, "I have pictures of the cars, drivers, and train and also have witnesses."

Mayor Miller replied "This has been brought to our attention many times and I think a ticket has been written before."

City Administrator Yow stated, "We wrote the citation to Norfolk Southern and they asked us not to write the citation to the engineer."

Mayor Miller replied, "Maybe we need to write Norfolk Southern and change the Ordinance to increase the fine to a point that it gets their attention."

City Attorney Walsh replied, "That is the maximum fine that can be imposed according to state law."

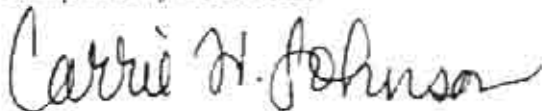
City Administrator Yow addressed Council. "We would like to request that City Council hold a special meeting next Wednesday, February 13, 2008, at 12:00 Noon."

Mayor Miller made a motion to have a Special City Council Meeting on Wednesday, February 13, 2008, at 12:00 Noon. This motion was seconded by Mayor Pro Tem Haire and unanimously approved.

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

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson  
City Clerk

/psb



# Changes in Zoning Ordinance

Table I	Replace Table I Classifications from old SIC to NAICS, Section 24-5.1, Page 7, this is classification that is commonly used in Municipal Zoning Ordinances, Page 7  Bed and Breakfast no longer allowed as a Special exception in A-1, table 1, Page 16
Table II	Pg 19-20 Increase maximum height to 50 Ft, from 35 ft.
Table III	Digital signs not allowed within 300 feet of nearest residential dwelling, 24-8, Table III, Table IV, page 52
24-5.1	Classification from old SIC to NAICS
24-6.1	Eliminated Type A and Type B, PDD's. Now simply have one Type PDD, Section 24-6.1, Page 22  As council indicated their desire, all PDD's must be approved by Council. Also, added incremental (conceptual) stage where developer would submit to Council for <u>initial</u> approval; if approved Developer would proceed to develop detailed plan, Page 23e
24-6.4	Establishment of Design Overlay District- Check special purpose District Page 5, No 3 and Page 34, Section 24-6.4. On Zoning Map this District is from US 601 to Riverside along Russell and from Amelia to John C. Calhoun.
24-7.3	Added Special Exception for Off-Street Parking, Section 24-7.3, Page 43  More flexibility in parking in Downtown by increasing of Central business District on Zoning Map and added special exception for off-street parking, Section 24-7.3, Page 43
24-8.4	Added language to Common Signage Plan. Section 24-8.4, page 45
24-8.6	Added Table listing Temporary Signs-47 for clarification purposes. Changes from sixty (60) to thirty ( 30) days. Prior intervals were all six (6) months; also added political signs which were previously classified as posters. Section 24-8.6
24-9.1	Increased size and density of buffer areas, Section 24-9.1, 24-9.2, 3, 4  Page 54-60
24-9.2	
24-9.3	
24-9.4	

- 24-9.5 Tree Protection- Under After Development- Change made to protected size to 18 inches from 24 inches. Requires replacement tree. Section 24-9.5, c3, page 63-64 notes: (1) Gives Zoning Administrator more discretion to cut trees if they are replaced. (2) City does not regulate pine tree after development.
- 24-10.7 Eliminate use of Shipping Storage Containers; One year amortization period. Page 18. Also regulate Portable Storage facilities, Section 24-10.7, Page 81
- Added Section on Camp and Resort Vehicle Parks, section 24-10.74 (v), Page 85
- Regulate open storage of vehicles at repair shop, Section 24-10.7 (w)
- 24-11.3 Address Buildable Area for clarity
- 24-11.9 Non-conformities- Rewritten to grandfather existing structure or building for repairs (not expansion or enlargement)

#### Articles XIII-Definitions





## **A Resolution to declare February 2008 as “Cities Mean Business” month**

- WHEREAS,** cities and towns are the economic engines that make the State of South Carolina more competitive in the global marketplace, and;
- WHEREAS,** the partnership between the City of Orangeburg and local business leaders is critical to the new knowledge economy and future of regional workforce development, and;
- WHEREAS,** the City of Orangeburg offers a positive quality of life that attracts business, industry and new jobs to the region through the services that it provides; such as electric, water, wastewater, and gas utilities, fire protection, police protection, sanitation services, recreational facilities and recreational programs, land use and zoning protections, municipal airport, economic development activities and, responsive local governance, and;
- WHEREAS,** the City of Orangeburg, and many other cities and towns across the state, bring value to the State of South Carolina as an important building block in supporting economic competitiveness and prosperity, and;
- WHEREAS,** the City of Orangeburg, and many other cities and towns across the state, constitute the core of economic growth and prosperity for the State of South Carolina, and work in partnership with business and industry to provide the necessary infrastructure to assist in their growth and support their competitiveness, and;
- WHEREAS,** the success of our state's economic development efforts is dependent on the strength of the City of Orangeburg, and many other cities and towns across the state, to provide the quality services and amenities taxpayers and businesses demand, and;
- WHEREAS,** the City of Orangeburg supports state legislation that encourages economic growth within the global economy, and;
- WHEREAS,** businesses repeatedly point to quality of life as one of the determining factors in making a decision where to locate, for which the City of Orangeburg and many other cities and towns across the state are the primary source of the valuable elements that create a positive quality of life supporting tourism, public safety, recreation, the arts and cultural activities, and;
- WHEREAS,** the City of Orangeburg supports state legislative efforts to provide residents and businesses with cost-effective and efficient programs and services that support a positive quality of life, and;
- WHEREAS,** the City of Orangeburg fully supports local decision making for land use and development regulations and flexible uses of local hospitality and accommodations taxes that local municipal leadership must have in order to have the ability to provide resources in a manner that best supports its local needs, and;

**WHEREAS,** the City of Orangeburg maintains that local municipal leadership must have the ability to provide resources in a manner that best supports its local and regional needs, and;

**WHEREAS,** research indicates residents want local control over the laws and regulations that affect the growth and development of their hometowns, and;

**WHEREAS,** the City of Orangeburg supports local fiscal accountability and management of resources that are critical to the support of a well-run City such as the ability to make local decisions on financial priorities and the need for flexible resources to meet the demands of the City's residents, and;

**WHEREAS,** the City of Orangeburg supports locally-directed fiscal accountability for municipal governments and an open and accountable government, and;

**WHEREAS,** the positive growth of the City of Orangeburg is often hampered by out-dated laws that prevent orderly and cost-effective growth patterns, and;

**WHEREAS,** cities that are able to grow to their natural boundaries find it easier to attract a higher quality workforce, more industry and business, and;

**WHEREAS,** updated annexation laws can make it easier for cities to attract economic development by showing realistic evidence of local population numbers and growth patterns, and;

**WHEREAS,** the City of Orangeburg fully supports annexation reform of the state's outdated laws, and;

**WHEREAS,** the City of Orangeburg fully supports a balanced tax policy that doesn't unfairly burden any sector of taxpayer, but at the same time, ensures flexibility to resources so that government can provide services at the level expected by taxpayers, and;

**WHEREAS,** the City of Orangeburg offers a comfortable sense of "community" which is a vital to local citizen, providing them with pride, contentment and well being, and;

**WHEREAS,** "Cities Mean Business" month celebrates that the City of Orangeburg and many other cities and towns across South Carolina are committed to a strong and positive relationship with local business leaders.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and City Council of the City of Orangeburg, in Council duly assembled, do declare February 2008 as,

**"Cities Mean Business Month"**

in the City of Orangeburg

**PASSED BY** the City Council of the City of Orangeburg, State of South Carolina, this 5<sup>th</sup> day of February 2008.



Attest Carrin N. Johnson

City Clerk

Paul M. Min  
Barbara Hane  
Dandra P. Kuttis  
William K. Nelson  
Charles D. Dyer  
Joyce W. Phares



## Special City Council Minutes February 13, 2008

Orangeburg City Council held a Special meeting on February 13, 2008, at 12:00 Noon 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 Rheney, to enter into an Executive Session for a legal matter concerning the General Terms and Conditions of the Department of Public Utilities. This motion was unanimously approved.

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

Council returned to Open Session.

City Attorney Walsh addressed Council. He explained the Ordinance for amending the General Terms and Conditions of the Department of Public Utilities. The Ordinance addresses water and wastewater taps concerning property under consideration of annexation. He further stated that if the property is not zoned by the County as single-family that there can be no water or wastewater taps done from the date of the petition until the third reading of the Ordinance for annexation. If there is a substantial hardship, the property owner can come before Council to request permission for a water and wastewater tap. He also stated that in the Ordinance, it addresses any new construction in the City, before a water or wastewater connection is made, that a copy of the City building permit be required by the Department of Public Utilities to show that they are in compliance with the City regulations and Zoning Ordinance.

City Attorney Walsh explained the Resolution for Council that a moratorium be placed on the granting of water taps and wastewater taps in newly annexed areas of the City of Orangeburg. He explained that this would only affect the newly annexed properties from the last Council Meeting off of Columbia Road, Longwood and Churchill Streets.

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to approve the First Reading of an Ordinance amending the General Terms and Conditions of the Department of Public Utilities of the City of Orangeburg, SC, as adopted by Council on November 6, 2002. This motion was unanimously approved.

A motion was made by Councilmember Rheney, seconded by Councilmember Barnwell, to approve a Resolution placing a moratorium on the granting of water taps and wastewater taps in newly annexed areas of the City of Orangeburg. This motion was unanimously approved.

City Administrator Yow addressed Council on the closing of Formosa Street. He stated, "Habitat for Humanity has approached the City on the closing of this alley off of Riggs Street. They own the lot that this alley cuts through. They plan on building on this lot and it has been verified with the Department of Public Utilities that there are no utilities on this site. He further stated that it could not be determined when this alley was added to the City map as a street."



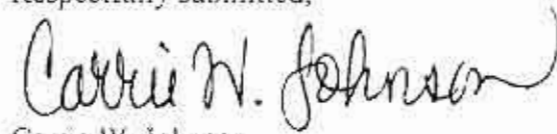
**Page 2**

A motion as made by Councilmember Jernigan, seconded by Mayor Pro tem Haire, to approve a Resolution to close and abandon Formosa 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



**RESOLUTION PLACING A MORATORIUM ON THE GRANTING OF WATER TAPS AND  
WASTEWATER TAPS IN NEWLY ANNEXED AREAS OF THE CITY OF ORANGEBURG**

**WHEREAS**, the City of Orangeburg is now requiring that property owners located in the unincorporated areas of Orangeburg County agree to annexation as a condition for provision of water and wastewater utilities from its Department of Public Utilities, and:

**WHEREAS**, property owners have and are attempting to circumvent the intent of this requirement by attempting to obtain vested rights from the County of Orangeburg prior to annexation, and:

**WHEREAS**, the City of Orangeburg finds that it is in its best interest to initiate a policy to prevent said circumvention in order to provide orderly land development and to assure compliance with its zoning ordinances, and,

**WHEREAS**, the City of Orangeburg has by ordinance on first reading adopted a procedure to eliminate said circumvention by amending the General Terms and Conditions of its Department of Public Utilities, and

**WHEREAS**, it is necessary that the status quo be maintained during the enactment of said ordinance,

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

That until the above described ordinance which received first reading on February 13, 2008 amending the General Terms and Conditions of its Department of Public Utilities is adopted on third reading, no water taps or wastewater taps shall be granted to property owners in any area annexed into the corporate limits of the City of Orangeburg subsequent to January 1, 2008.

**DONE AND RATIFIED BY THE CITY OF ORANGEBURG, STATE OF SOUTH  
CAROLINA THIS 13<sup>th</sup> DAY OF FEBRUARY, 2008.**



Mayor

*Paula Miller*  
*Glenn Hane*  
*Douglas A. Felt*  
*William B. Cunningham*  
*John T. Dyer*  
*James N. Keneff*

Members of Council

ATTEST

*Carrie H. Johnson*  
City Clerk

**RESOLUTION TO CLOSE AND ABANDON FORMOSA STREET PURSUANT TO SOUTH  
CAROLINA CODE § 5-27-150**

**WHEREAS**, Formosa Street is a ten (10) foot, more or less, wide street shown on the municipal maps of the City of Orangeburg running between Riggs Street and Maple Street, and;

**WHEREAS**, all abutting property owners have access to their properties without the necessity of Formosa Street, and;

**WHEREAS**, the owner of Lot 3 on a plat recorded in the Office of the Register of Deeds for the County of Orangeburg, State of South Carolina in Plat Book C321 at page 5, wishes to construct a dwelling on said lot and the closing and abandonment of Formosa Street is necessary for said purpose,

**NOW THEREFORE, BE IT RESOLVED BY CITY COUNCIL DULY ASSEMBLED**, that pursuant to South Carolina Code § 5-27-150 City Council does hereby declare that Formosa Street is hereby closed and abandoned after finding that said street is no longer needed for public use or convenience and that its closing and abandonment would be in the interest of the City and the interests of the general public and citizens of the City.

**BE IT FURTHER RESOLVED**, that John H. Yow, City Administrator is hereby authorized to consent to the closing and abandonment of Formosa Street in accordance with South Carolina Code § 57-9-10.

**DONE AND RATIFIED BY THE CITY OF ORANGEBURG, STATE OF SOUTH  
CAROLINA THIS 13<sup>th</sup> DAY OF FEBRUARY, 2008.**



Mayor

*Paul H. Min*  
*Samuel Haire*  
*Michael Smith*  
*James E. Dismuke Jr.*  
*Charles Dismuke*  
*Joseph W. Phares*

Members of Council

ATTEST:

*Cassie H. Johnson*  
City Clerk



CITY COUNCIL MINUTES  
February 19, 2008

Orangeburg City Council held its regularly scheduled meeting on Tuesday, February 19, 2008, 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  
Trelvis A. Miller

ABSENT:

Joyce W. Rheney

A motion was made by Councilmember Jernigan, seconded by Mayor Pro Tem Haire, to approve the February 19, 2008, City Council Minutes as distributed. This was a 5-0-1 vote with Councilmember Barnwell abstaining as he was not present at the last meeting.

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to approve the February 13, 2008, Special City Council Minutes. This was a 5-0-1 vote with Councilmember Miller abstaining as he was not present at the last meeting.

Public Safety Director Wendell Davis and Mayor Miller presented Henry Bowman a Retiree Resolution and a gold watch for his twenty-eight years and eleven months of service to the City of Orangeburg Department of Public Safety.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the Third Reading of an Ordinance amending Section 2-2.20 of the Code of Ordinances for the City of Orangeburg for the purpose of establishing an alternate procedure for the appointment or election of Board and Commission Members. This motion was unanimously approved.

City Administrator Yow overviewed the Ordinance to amend Chapter 24, the Zoning Ordinance for the City.

Councilmember Barnwell asked, "On page 27, the last paragraph, why is that in there?"

City Attorney Walsh replied, "That language is from state statute."

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the Third Reading of an Ordinance to amend Chapter 24, the Zoning Ordinance of the City. This motion was unanimously approved.

A motion was made by Councilmember Knotts, seconded by Mayor Pro Tem Haire, to approve the reappointment of Mr. Robert Nance to the Aviation Commission for a four year term ending January, 2012. This motion was unanimously approved.

A motion was made by Councilmember Jernigan, seconded by Councilmember Miller, to appoint Mr. Tom Salley to serve on the Board of Zoning Appeals for a four year term ending January, 2012. This motion was unanimously approved.

## Page 2

Concerning the Department of Public Utilities, City Attorney Walsh overviewed amendments to the General Terms and Conditions of the Department of Public Utilities. The amendments require the following:

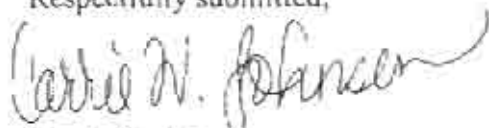
- (1.) No water taps shall be made to property under consideration for annexation by the City which is located in the unincorporated areas of Orangeburg County and not zoned "RS-Residential, single Family" as defined in the County of Orangeburg Zoning Ordinance during the period beginning at the date of the corresponding Annexation Petition and ending upon final adoption of the Annexation Ordinance or upon said Ordinance not receiving an affirmative, majority vote for adoption on second or third reading. This prohibition may be waived by majority vote of City Council upon a finding that same would impose a substantial hardship on a property owner.
- (2.) No water taps shall be made for the purpose of providing water to premises located in the City of Orangeburg for new construction unless the Department receives a valid City building permit.
- (3.) No wastewater taps shall be made to property under consideration for annexation by the City which is located in the unincorporated areas of Orangeburg County and not zoned "RS-Residential, Single Family" as defined in the County of Orangeburg Zoning Ordinance during the period beginning at the date of the corresponding Annexation Petition and ending upon final adoption of the annexation Ordinance or upon said Ordinance not receiving an affirmative, majority vote for adoption on second or third reading. This prohibition may be waived by majority vote of City Council upon a finding that same would impose a substantial hardship on a property owner.
- (4.) No wastewater taps shall be made for the purpose of providing wastewater to premises located in the City of Orangeburg for new construction unless the Department receives a valid City building permit.

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to approve the Second Reading of an Ordinance amending the General Terms and Conditions of the Department of Public Utilities of the City of Orangeburg, SC, as adopted by Council on November 6, 2002. 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

CWI/pfb





## **RESOLUTION**

**WHEREAS,**

Henry Bowman faithfully served the City of Orangeburg's Department of Public Safety for twenty-eight years and eleven months with a retirement date of January 2, 2008; and

**WHEREAS,**

he, through his long and faithful service, contributed greatly to the successful operation of the City of Orangeburg's Department of Public Safety; 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. Bowman in recognition of his services.

**PASSED BY** the City Council of the City of Orangeburg, State of South Carolina, this nineteenth day of February, 2008.



*James H. Haire*  
MAYOR

*James H. Haire*  
*James H. Haire*  
*James H. Haire*  
*James H. Haire*  
*James H. Haire*  
*James H. Haire*  
MEMBERS OF COUNCIL

ATTEST:

*Carrie H. Johnson*  
CITY CLERK

## CITY COUNCIL MINUTES

### March 4, 2008

Orangeburg City Council held a Public Hearing on Tuesday, March 4, 2008, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. The purpose of the Public Hearing was as follows:

#1 Rezoning of property: To consider an application for a Zoning Change from D-1 Industrial District to B-1 General Business District property belonging to Orangeburg County Fair Association, for property located at 350 Whaley Street, A/K/A Orangeburg County Fair Grounds, TMP# 0173-19-17-001 and 350 Magnolia Street, A/K/A Orangeburg County Fair Grounds, TMP# 0172-07-01-001.

#2 Annexation of property: To consider an application for annexation into the City of Orangeburg property belonging to Chandra Singh located at 1650 John Wesley Road TMP#01740130940995 and property belonging to Chandra Singh and Jai Singh, 1656-1658 and 1660 John Wesley Road (A/K/A 102, 104, 106, 108, 112, 116 Manisha Court), TMP#0174-13-04-006.

Hearing no public comments, the Public Hearing was closed.

Council then held the regularly scheduled City Council meeting 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 Barnwell, seconded by Mayor Pro Tem Haire, to approve the February 19, 2008, City Council Minutes as distributed. This was a 6-0-1 vote as Councilmember Rheney abstained as she was absent from the last meeting.

Dr. Johnson from Edisto High School accepted the Proclamation Trait for the month of March 2008, "Citizenship".

Assistant City Administrator Bronson overviewed the Ordinance to amend Section 24-4.1, District Boundaries and Maps of the Code of Ordinances for the City and the Zoning Map of the City (350 Whaley Street) and to amend Section 24-4.1, District Boundaries and Maps of the Code of Ordinances for the City and the Zoning Map of the City (350 Magnolia Street).

Concerning the rezoning of the fairgrounds, Mayor Pro Tem Haire asked, "You stated that this only affects the portion of the City that is in the city limits, what part isn't and why isn't the other part being considered?"

Assistant City Administrator Bronson explained which portions of the fairgrounds were out of the city limits. He further stated, "The Fair Association has a Board and some are interested in annexing that portion and some are not. This request was for rezoning and not annexation. The Planning Commission has also approved this request from D-1 to B-1."

A motion was made by Councilmember Barnwell, seconded by Councilmember Rheney, to approve the First Reading of an Ordinance to amend Section 24-4.1, District Boundaries and Maps of the Code of Ordinance of the City of Orangeburg and the Zoning Map of the City of Orangeburg, South Carolina (350 Whaley Street). This motion was unanimously approved.

A motion was made by Councilmember Knotts, seconded by Mayor Pro Tem Haire, to approve the First Reading of an Ordinance to amend section 24-4.1, District Boundaries and Maps of the Code of Ordinances of the City of Orangeburg and the Zoning Map of the City of Orangeburg, South Carolina (350 Magnolia Street). This motion was unanimously approved.



## Page 2

Assistant City Administrator Bronson addressed Council in reference to this item. He stated, "Continuing on in the area we just annexed with the 75% petition method that you just approved in January, the property owner at that time did not want to come into the City and decided now that he wanted to do ahead and bring his property in the City." Mr. Bronson explained the area to be annexed on the map for Council and the streets, homes and apartments involved. He further explained about the apartments there and what was planned for development.

Councilmember Jernigan asked, "Are the apartments pretty much full?"

Assistant City Administrator Bronson explained, "Mr. Singh gave numbers that there were residents in all units."

Assistant City Administrator Bronson stated, "The Planning Commission has approved this annexation and recommended the zoning designation as A-2."

Mayor Pro Tem Haire stated, "Before we go into this type of hodge podge annexation, I pulled out my annexation plan from 1996 from Vismor & Associates and this gives an orderly suggestion as it relates to annexation. I would like to know why we aren't pursuing a plan we have. To me it seems that there is a consensus to do annexation and I do not see this plan being implemented in any kind of systematic way."

City Administrator Yow responded, "When that was adopted, of course, a lot of changes have happened since then. We have spoken to a lot of groups and circulated petitions and they weren't successful in getting a consensus in the larger areas. Even though that plan suggests bringing in those larger areas, you still have to meet state law with the 75% petition. That is why we have been doing it in this matter and we try to get as large an area as we can. In the last annexation, we had a larger area but we couldn't get enough signatures. We are happy as always to work with any of the areas that want to come in. I don't know if that study fully took into account state law and the situation with our utilities and other factors."

Mayor Pro Tem Haire replied, "I would like to see annexation done in a more orderly fashion."

City Administrator Yow stated, "I think that is why Council took the position on the utility covenants. As the covenants are signed and we go into an area to annex, you will have covenants that you can execute for annexation. Those covenants are going to take some time in large areas to get enough numbers to do it."

Mayor Pro Tem Haire asked, "Is one person enough staff to go out in these areas for annexation?"

City Administrator Yow responded, "That is something that we have discussed at great length to talk to you about in the Council Planning Session. Right now, the Department of Public Utilities is making sure we are getting the covenants, but we really do not have the staff to monitor all the covenants, and digitize them on the maps. Kevin and other persons at DPU work on them part-time. To answer your question, we do need more assistance."

A motion was made by Councilmember Jernigan, seconded by Councilmember Miller, to approve the First Reading of an Ordinance to annex property at 1650 John Wesley Drive, TMP#0174-13-04-005, into the city limits of the City of Orangeburg, South Carolina. This motion was unanimously approved.

A motion was made by Councilmember Knotts, seconded by Councilmember Miller, to approve the First Reading of an Ordinance to annex property at 1656, 1658 and 1660 John Wesley Drive (A/K/A: 102, 104, 106, 108, 112, 116 Manisha Court), TMP#0174-13-04-006 into the city limits of the City of Orangeburg, South Carolina. 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 the Municipal District Map dated November 6, 2001, for the purpose of adding newly annexed City property to Municipal Council District #2. This motion was unanimously approved.

**Page 3**

Fiscal Year 2008-09 City of Orangeburg Budget Calendar was presented for information only at this time.

A motion was made by Councilmember Miller, seconded by Councilmember Barnwell, to appoint Mr. Bill Barrett to the City's Planning Commission for District #5. This is a four year term expiring January, 2012. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Rheney, to approve the reappointment of the following individuals to the City's Accommodations Tax Advisory Committee. This is a four year term expiring March 2012.

Rachelle Jamerson Holmes-At-large sector  
David Coleman-Hospitality sector  
Buster Smith-Hospitality sector  
Fred Broughton-At-large sector

City Administrator Yow overviewed the First Reading of an Ordinance repealing in its entirety Chapter 9, Section 3 of the Code of Ordinances and repealing Chapter 5, Section 21 of said Code in its entirety and replacing said Chapter 5, Section 21 with a new Chapter 5, Section 21 for the purpose of establishing a uniform permit requirement for parades and public assemblies.

He stated, "We have brought this back to you as we have discussed this in the past and we have continued to work on this. I am going to go over some highlights and I will be happy to answer any questions that I can for you. The first thing that is changed in this Ordinance is that a permit is not required for a spontaneous event, which is one factor making the Ordinance legal and constitutional. The second thing is that it exempts speech content. We would not grant or withhold a permit based on the speech content or purpose of an assembly. Also, a permit is also required of an assembly of 25 people or more. A small group would not require a permit. The Ordinance takes an approach, When a permit that is required for assemblies or groups from a public safety perspective; where we Have reviewed requests, i.e. parades, and know the routes that they are taking and where these assemblies are taking place. For example, a 10K run in the Gardens, we will review that route and make sure it is a safe route. There are a few other things that have been added that I want to review with you. On page 3, Item 17, when a public assembly is to be held in a residential zoned district, the application must be signed by at least five (5) property owners within a radius of 500 feet of its location. The reason for that is because we have had some groups come before Council, as you may recall, and some people were saying that some assemblies held in their neighborhood was not organized or attended by people in the neighborhood. This is a requirement. If you turn to the next page, item C states, no permit shall be granted that allows for sound amplification equipment in any residential zoned district. Again, that addressed some concerns of some residents that were brought before Council."

Mayor Miller asked, "If there are five property owners signed for the permit and it is within 500 feet of the central location, they can't have any music that has amplification in a residential zone?"

City Administrator Yow replied, "Yes, for a public assembly in a residential zone, and that is new."

City Administrator Yow stated, "Another change is on page 3, at the beginning of Section 5-21.5 for fees. We have added a sentence there where no permit fees shall be required for parades and public assemblies sponsored by accredited institutions of higher learning. That was also something we discussed."

City Attorney Walsh stated, "I know that there has been some discussion on the sound equipment in a residential area for different functions."

Councilmember Miller asked, "What if someone wants to have a family reunion, they cannot have any amplified music?"

City Administrator Yow replied, "Our Noise Ordinance would apply to that, we are talking about using public property in a parade or public assembly."

## Page 4

City Attorney Walsh stated, "This applies to private and public property."

City Administrator Yow stated, "Unless I interpret the Ordinance wrong, if they have twenty people at their house for a family reunion, they wouldn't need a permit anyway."

Councilmember Barnwell asked, "If someone wanted to have a wedding reception at your home, you couldn't do it with a band?"

City Attorney Walsh stated, "That is one of those things we need to address to permit some things like that. This thing has been sitting around and we wanted to bring it to Council to get things back on track."

Mayor Pro Tem Haire asked, "We had a group that was here before Council and I thought it was that we were trying to get both sides together to try to come to a happy medium. We are coming up on another summer and we haven't had a meeting."

City Administrator Yow responded, "I don't know if they have had a meeting or not. I know one group came and then another group."

Mayor Pro Tem Haire asked, "I thought the position was that we were going to get the two sides together and see what kind of agreement we could get with the two sides. I am a product of the sixties, wherein demonstrations were held here in Orangeburg for various reasons. I think that #7 A, a \$100 non-refundable fee to cover administrative costs, do we really have that much activity to stifle people's right to assemble?"

City Administrator Yow stated, "We are not trying to stifle that in any means. That is why we have that in here so we don't stifle it."

Mayor Pro Tem Haire stated, "What I am talking about is when you put a fee out there, that causes some problems for some people. I don't believe that there is anything in the constitution where people have the right to peacefully assemble and to put a cost on that peaceful assembly is wrong."

City Administrator Yow replied, "That is only if they are using City property or services that it be required."

City Attorney Walsh stated, "No, it is a fee for any assembly or parade."

City Administrator Yow stated, "Some events cost us money and some don't. We have to put up barricades, provide extra police services, roll out containers and pick up litter. Whatever the case may be."

Mayor Pro tem Haire asked, "Do we have that many cases where we have to provide that?"

City Administrator Yow stated, "Yes, we do, a conservative number would be 12. The thing is that is Council's call. When we come to the Budget and we have extra overtime costs and we have other extra costs, in some cases, we are absorbing their costs to have their event or parade."

Mayor Pro Tem Haire stated, "I would like to see us study this and pass over this tonight."

City Administrator Yow replied, "I don't have a problem with studying this, but we need to pass the First Reading of the Ordinance and I would rather take that out to pass the Ordinance."

City Attorney Walsh stated, "The other thing is that City Council set those costs by Resolution."

Mayor Pro Tem Haire stated, "I have gone through this particular document and there are some challenges to this. This document was drawn up based on information received from other cities?"

**Page 5**

City Administrator Yow responded, "Mr. Walsh has done a lot of research on this and one thing we don't want to lose sight of is that this Ordinance is drawn to be legal and constitutional and enforceable where we have concerns that our existing Ordinance may not be. This Ordinance is not to stifle parades and assemblies as you all know we have them all the time. This is actually to set forth parameters to govern that."

City Attorney Walsh stated, "This is the Ordinance that is recommended by the National Association of City Attorneys."

Councilmember Barnwell stated, "I would rather see us delete that than not pass it."

City Administrator Yow stated, "We do need to adopt a new Ordinance. I do want to bring up one thing from Mayor Pro Tem Haire, and I don't think he intended it this way. When I brought up the part about the sound amplification, that was not put in there about the one party that the groups came to us about. We get a lot of calls in residential neighborhoods on parties."

Mayor Miller asked, "Where you have the part in there about five hundred feet of property owners, if someone wanted to have a wedding reception in their yard, they would have to get five neighbors to agree to it. If he couldn't get it, he couldn't hold it there."

City Administrator Yow responded, "That was put in there because of some of the concerns Council expressed that night where several ladies came where they said this was a party for the neighborhood and they were in the neighborhood and they didn't have anything to do with it."

Councilmember Rheney stated, "I have a good example of sound, I have a neighbor and they have Sunday School groups where they have parties 4<sup>th</sup> of July, Labor Day and things like that and they swim and I never see them, I just hear them. It is not one of those things I would call the City about."

City Administrator Yow stated, "I am open to any and all amendments as to Council's prerogative. I need to stress to you, we need to get an updated Ordinance and we have discussed this a couple of times."

Mayor Miller asked, "Can we table this tonight and let individuals that have concerns with various things in here get with you and have it brought back."

City Administrator Yow responded, "I think we can accomplish the same thing. I think we can list for the record what the concerns are and get with me on any others and bring it back on Second Reading. When you get your minutes from this meeting, closely examine them for the concerns you raised and if any concerns are left out of those minutes, let us know and we will get them in there."

Councilmember Barnwell asked, "Why do we say 25 people, suppose you have three individuals who want to assemble?"

City Attorney Walsh responded, "That is the number that the court decisions have come up with as a limit to require a permit."

Councilmember Barnwell asked, "Suppose you have an individual on the street?"

City Administrator Yow replied, "That would not apply. This actually gives more rights to picket, protest or have parades. I think I mentioned that Attorney Walsh has done some research in this area for you so these were not chosen randomly."

Councilmember Miller asked, "In previous years, South Carolina State Homecoming and maybe Claflin, you have people leaving the City because of big gatherings. Is this going to require institutions to have permits?"

City Administrator Yow replied, "Parades will have to have permits as always. The impromptu gatherings, we are not going to be able to permit those. If someone was going to have a gathering of



## Page 6

one hundred people and block a street or use a parking lot or even on private property, they are going to have to have a permit for this. We have had cases where churches may have a homecoming celebration for a 100 year anniversary and we have blocked streets for that if it is not on a major thoroughfare."

Councilmember Rheney stated, "I think "A" addresses that where no permit fees are required for institutions of higher learning. I can also understand where you have barriers or cleanup, that there should also be a fee."

City Administrator Yow stated, "Communities have struggled with this, we have found all across the board some communities charge their exact cost to the entity that they absorb the cost for."

Councilmember Miller stated, "This is something we addressed in the planning meeting and this was something we wanted to implement as a fee for the cleanup."

Councilmember Jernigan stated, "I go along with the fees and I don't think we should make any exceptions. I think that we try to make these Ordinances as reasonably fair to all parties concerned, whether it be the people that are gathering or who have to put up with the people gathering. I do not have a problem with the way the Ordinance is written. I do think we should either take the fee out or make it for everybody."

City Administrator Yow stated, "We will bring a Resolution to you that will set forth the fee schedule. That was put in there at the prior meeting. I think Mayor Pro Tem Haire stated before that he did not want a fee in there for the colleges and no one spoke against that. Council didn't vote on it and I think it was a silent issue and I think my recollection is correct on that."

City Attorney Walsh stated, "I think that is how the sound amplification got in there."

City Administrator Yow stated, "Sometimes when Council doesn't vote and they have a discussion, we try to take it as a general consensus."

Councilmember Jernigan stated, "Sometimes you have to think about things before you make a decision on them."

Councilmember Barnwell stated, "On the same lines, I would rather see the fee taken out or no exceptions because the City is picking up trash and putting out barricades. I just don't know if we should take the responsibility for paying for that."

City Administrator Yow responded, "Let's go ahead and proceed with First Reading and itemize those items that you have raised. Let me see if I can obtain from our Department Heads estimated costs so at least you can be making some decisions on monetary values. There are some other events in the community, just like an event at the fairgrounds. It is good for the community and it may bring commerce to the community that we get business licenses from and bring commerce to the City, but we may have to do litter pick up in the area. It is not the fairgrounds doing the litter pick up, it is the people in the area. That is outside their fence along Boulevard. Those events where we do litter pick up is hard to put a value on. That is just one example."

Councilmember Barnwell stated, "On page 6, I would like to add item # I as a suggestion. It shall be unlawful for any person or organization to carry any sign, poster, plaque or notice that is indecent or profane which would be out of character."

City Attorney Walsh replied, "You are dealing with the constitution."

City Administrator Yow stated, "We will do some research on this, that is one of the things that this is referring to. Permits granted on speech content. There has been a lot of case law on that. In Myrtle Beach, they went through a lot with T-shirts. I am going to refer that to Attorney Walsh."

**Page 7**

A motion as made by Councilmember Barnwell, seconded by Councilmember Rheney, to approve the First Reading of an Ordinance repealing in its entirety Chapter 9, Section 3 of the Code of Ordinances of the City and repealing Chapter 5, Section 21 of said Code in its entirety and replacing said Chapter 5, Section 21-F with a new Chapter 5, Section 21 for the purpose of establishing a uniform permit requirement for parades and public assemblies. This was a 5-1-1 vote as Mayor Pro Tem Haire opposed and Councilmember Knotts abstained.

A motion as made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to approve the Third Reading of an Ordinance amending the General Terms and conditions of the Department of Public Utilities of the City of Orangeburg as adopted by Council on November 6, 2002. This motion was unanimously approved.

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

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson  
City Clerk

/pfb



**CITY COUNCIL MINUTES**  
**March 18, 2008**

Orangeburg City Council held its regular scheduled meeting on Tuesday, March 18, 2008, 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 Miller, to approve the March 4, 2008, City Council Minutes. This was a 6-0 vote as Councilmember Rheney was not present at the time of voting.

Mr. Michael Williams from Cross Hill, South Carolina, accompanied by his wife, Betty, presented Mayor & Council with the new rose, "Edisto" named for both the Edisto River and the Edisto Memorial Gardens. Mr. Williams is a rose hybridizer and he donated twenty-five (25) Edisto roses to the City to be planted in the Gardens.

A motion made by Councilmember Rheney, seconded by Councilmember Barnwell, to approve the Second Reading of an Ordinance to amend Section 24-4.1, District Boundaries and Maps of the Code of Ordinances of the City of Orangeburg and the Zoning Map of the City of Orangeburg, South Carolina (350 Whaley Street) This motion was unanimously approved.

A motion was made by Councilmember Miller, seconded by Councilmember Jernigan, to approve the Second Reading of an Ordinance to amend section 24-4.1, District Boundaries and Maps of the Code of Ordinances of the City of Orangeburg and the Zoning Map of the City of Orangeburg, South Carolina (350 Magnolia Street). This motion was unanimously approved.

A motion was made by Councilmember Rheney, seconded by Councilmember Miller, to approve the Second Reading of Ordinance to annex property at 1650 John Wesley Drive, TMP# 0174-13-04-005, into the city limits of the City of Orangeburg, South Carolina. This motion was unanimously approved.

A motion was made by Councilmember Jernigan, seconded by Councilmember Barnwell, to approve the Second Reading of an Ordinance to annex property at 1656, 1658 & 1660 John Wesley Drive, (a/k/a: 102, 104, 106, 108, 112, 116 Manisha Court), TMP#0174-13-04-006 into the City limits of the City of Orangeburg, South Carolina. This motion was unanimously approved.

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to approve the Second Reading of an Ordinance to amend the Municipal District Map dated November 6, 2001, for the purpose of adding newly annexed City property to Municipal Council District Two (2). This motion was unanimously approved.

City Administrator Yow addressed Council in regards to the amendments that were done to the Ordinance repealing in its entirety Chapter 9, Section 3 of the Code of Ordinances and repealing Chapter 5, Section 21 of said Code in its entirety and replacing said Chapter 5, Section 21 with a new Chapter 5, Section 21 for the purpose of establishing a uniform permit requirement for parades and public assemblies. He stated, "We have made a few amendments in order to clarify things based on questions from Council. The first amendment is under Section 5-21.1, definitions (f), we have inserted on the second line "on public property or contiguous public and private property" language to clarify what a public assembly means. I think there were some questions from various people on wedding receptions. If you turn to (page 3, #17), we have inserted, "if a public assembly

**Page 2**

is to be held on public property in a residential zoned district”, the application must be signed by at least five property owners within a radius of 500 feet of its location. On page 4, 21.5 (12 c), no permit shall be granted that allows for sound amplification equipment on public property in any residential zoned district. We have inserted language basically around public property. The rest of the Ordinance remains in tact. I know we have had discussions on the fees. As the memo states, it is Council’s prerogative. We have looked at a list of events, like parades, that we give assistance. It looks as if we provide assistance to at least 20 to 30 events a year. When we look at these, they are closely related to our mission, but we spend overtime and costs. It won’t put us in any dire straights if you remove the section on the fees. If an Organization requests equipment or special services from us, we will charge for that or we just won’t give them those services, like bleachers. We are just talking about permit application fees.”

Councilmember Jernigan addressed Council, “I understand it as a fee for administrative only for filing the application or an application fee. If we are going to charge a fee, it should be equal across the board. I don’t have any problem with taking this fee out all together.”

Councilmember Jernigan made a motion to take the application fee of \$100.00 out of the Ordinance and not have an application fee. This motion was seconded by Councilmember Barnwell. This was a 6-1, as Councilmember Rheney opposed.

Mayor Pro Tem Haire stated, “I requested some other information from other locations and I thought it would have been in by now, but it isn’t. When you have these kinds of prohibition against amplification of music on property, I just want to know the rationale behind it. According to this, I can have a party in my yard, but if a group is meeting at a playground, they can’t have it.”

City Administrator Yow stated, “I think one of the rational is when the people came in complaining about the sound amplification at some of our parks at recent public assemblies. The other thing is that on your private property, there may or may not be other people there. At a playground, if there is sound amplification, other people at that playground are subject to the sound amplification whether or not they want to be.”

Mayor Pro Tem Haire responded, “All of that has been done to make this palatable. However, there is something that just troubles me about this Ordinance. We have had Public Hearings as it relates to Ordinances in the past and I have gotten a number of calls as it relates to this Ordinance. Should we not table this tonight and have a Public Hearing? I doubt anyone would come but just give them that opportunity to do so. I am getting calls and is there a real need to have a second reading tonight? Is there something that necessitates that we go along with this particular Ordinance?”

City Administrator Yow responded, “It is not essential, but I would like to have it. What are some of those other concerns? Maybe we can help address it.”

Mayor Prop Tem Haire stated, “People have called about the sound that I addressed and the memo you wrote stated you didn’t get any kind of feedback from anyone.”

City Administrator Yow stated, “We got feedback from the Council meeting and I had a little bit of feedback since the meeting, but not very much.”

Mayor Pro Tem Haire stated, “I appreciate what has been done, but I move that we table this and have a Public Hearing and give the citizens the opportunity to speak even if no one shows up.” This motion was seconded by Mayor Miller.

Councilmember Jernigan asked, “Can we go ahead and pass Second Reading and still have a Public Hearing between Second and Third Reading?”

City Administrator Yow stated, “Our next meeting is April 1<sup>st</sup> and that is fourteen days away, so we don’t have time to advertise a Public Hearing.”



**Page 3**

City Attorney Walsh stated, "That is not required by statute."

Councilmember Jernigan asked, "If we could have the Public Hearing at the next Council meeting and then have Third Reading then or at the next meeting."

Mayor Pro Tem Haire stated, "We could have the Public Hearing, vote on any changes and vote on the Ordinance that night as Third Reading."

Mayor Miller stated, "We could certainly do that."

City Administrator Yow stated, "I'd like to hear any concerns if we are missing something."

Mayor Pro Tem Haire replied, "I have gotten some calls and I bet you a dime to a dollar, no one shows up."

Mayor Miller stated, "Would you consider withdrawing your motion and go with Second Reading if we hold a Public Hearing before Third Reading."

Mayor Pro Tem Haire stated, "If we go on Second Reading tonight, I would not be able to vote on it. I withdraw my previous motion and make a motion that we have a Public Hearing before Third Reading." This motion was seconded by Councilmember Jernigan and unanimously approved.

A motion was made by Councilmember Rheney, seconded by Councilmember Barnwell, to approve the Second Reading of an Ordinance repealing in its entirety Chapter 9, Section 3 of the Code of Ordinances of the City of Orangeburg and repealing Chapter 5, Section 21 of said Code in its entirety and replacing said Chapter 5, Section 21 with a New Chapter 5, Section 21 for the purpose of establishing a uniform permit requirement for parades and public assemblies. This was a 6-1 vote as Mayor Pro Tem Haire opposed.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Jernigan, to approve the renovation of the City Landing located in the Edisto Memorial Gardens and authorizing City Administrator Yow to sign contract with Sweatman Dock Builders in the amount of \$110,500. This motion was unanimously approved.

There were no utility matters brought before Council.

A motion was made by Councilmember Rheney, seconded by Mayor Pro Tem Haire, to enter into an Executive Session for a legal matter to discuss mortgage on city real property and improvements on Chamber Building.

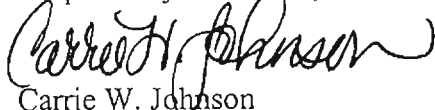
Council returned to Open Session

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve a Resolution authorizing the extension of the mortgage maturity date of two and sixty-nine hundredths (2.69) acres, with buildings and other improvements thereon, to South Carolina Bank and Trust in the principal sum of five hundred thousand (\$500,000). This motion was unanimously approved.

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

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson  
City Clerk

## RESOLUTION

A RESOLUTION AUTHORIZING THE EXTENSION OF THE MATURITY DATE OF THE MORTGAGE OF TWO AND SIXTY-NINE HUNDREDTHS (2.69) ACRES, WITH BUILDINGS AND OTHER IMPROVEMENTS THEREON, TO SOUTH CAROLINA BANK AND TRUST IN THE PRINCIPAL SUM OF FIVE HUNDRED THOUSAND (\$500,000.00) DOLLARS AND RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR THE COUNTY OF ORANGEBURG, STATE OF SOUTH CAROLINA IN MORTGAGE BOOK 1551 AT PAGE 293

**WHEREAS**, the City of Orangeburg by Ordinance 2005-1 authorized the above described mortgage, and,

**WHEREAS**, the Orangeburg County Chamber of Commerce has requested of South Carolina Bank and Trust an extension of the maturity date of said mortgage and the City of Orangeburg has agreed thereto.

**NOW THEREFORE BE IT RESOLVED BY CITY COUNCIL DULY ASSEMBLED**, that the City of Orangeburg does hereby consent to the extension of the maturity date to September 1, 2008 of that certain mortgage of The City of Orangeburg to South Carolina Bank and Trust in the maximum obligation limit of Five Hundred Thousand (\$500,000 00) dollars dated February 11, 2005 and recorded in the Office of the Register of Deeds for the County of Orangeburg, State of South Carolina in Mortgage Book 1551 at page 293

**BE IT FURTHER RESOLVED**, that John H. Yow, City Administrator is hereby directed and authorized to execute a Commercial Loan Modification Agreement for the above purpose.

**DONE AND RATIFIED BY THE CITY OF ORANGEBURG, STATE OF SOUTH CAROLINA THIS** 18<sup>th</sup> **DAY OF MARCH, 2008.**



Mayor

*Paul G. Miller*  
*Benjamin Haire*  
*Donna T. Foster*  
*Charles B. Barnwell*  
*William J. Miller*  
*Robert J. Yow*  
*James D. Kline*  
Members of Council

ATTEST:

*Cassie A. Johnson*

City Clerk

## CITY COUNCIL MINUTES

### April 1, 2008

Orangeburg City Council held a Public Hearing on Tuesday, April 1, 2008, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. The purpose of the Public Hearing was as follows:

Repealing in its entirety Chapter 9, Section 3 of the Code of Ordinances of the City of Orangeburg and repealing Chapter 5, Section 21 of said Code in its entirety and replacing said Chapter 5, Section 21 with a New Chapter 5, Section 21 for the purpose of establishing a uniform permit requirement for parades and public assemblies.

Mr. Abe Salama of 1495 Hillsboro Road addressed Council. He stated, "I am a retired professor from South Carolina State University. I would like to say that last week when Mayor Pro Tem Haire projected that you would have a Hearing and that no one would probably speak up, so I'm here to speak. You voted to have a Public Hearing and I would like to give you this handout as information. I am sharing with you a poem from "Dear Abby" from today's paper for April Fools. In the outline, you have the purpose of the unified requirement is to create a policy that provides for public safety and the welfare of the citizens by ensuring constitutional rights. I am sure everyone in this room would agree with that purpose. My presentation is with cooperation and citizenship. I read the old Ordinance and the new Ordinance and I would like to ask about the speed of approval for this. Is this a need for a Public Hearing? You had the first reading so fast. Someone mentioned you needed to research that. The second reading started with changes based on the administrative research and I am glad you made those changes. Then you stated, you must have second reading on that night even though Mayor Pro Tem Haire requested a Public Hearing, but someone said you must have second reading that night. To me, this was speedy, unless you are meeting a deadline. This is a very important Ordinance that will affect a lot of people here. A motion was presented before that there be a Public Hearing only if second reading would take place that night. That was my impression. A Public Hearing is a Public Hearing and I am glad you did not schedule a third reading tonight. The public is saying, why do you have a Public Hearing if you are having a third reading tonight? As far as a Public Hearing, I would like for City Council to follow tradition with County Council to allow for public comment at the beginning of the meeting and therefore you do not need a public hearing whether it is an agenda item or not."

Mayor Miller responded, "You can call on Friday before the meeting on Tuesday to be on City Council's agenda. Let's stick to the item in question for the Public Hearing."

Mr. Salama stated, "City Administrator Yow stated that some language was added after some Sunnyside residents complained concerning the Father's Day picnic. Are we abating the Ordinance as a result of one incident? Do we have more incidents like that since that time? Mr. Yow was then quoted in the newspaper that the proposed Ordinance was drawn up to be both legal and enforceable, while the current Ordinance is not. Is the current Ordinance not legal or enforceable?"

City Attorney Walsh replied, "The current Ordinance is unconstitutional."

Mayor Miller stated, "As far as a Public Hearing goes, we do not necessarily have to have a Public Hearing. We did that on Mayor Pro Tem Haire's request and that is why we agreed to have it. Under ordinary circumstances, we wouldn't be having a Public Hearing on this and we go through three readings."

Mr. Salama replied, "I would like to commend you that last time you made good changes. You came up with speech content being exempt, what a public assembly is and you took away private property and made a distinction between public and private property. I appreciate the work of this clarification and I appreciate that you took away the \$100 fee for the permit. I still have three or four concerns that go under interpretation and enforcement. On spontaneous and planned events, who is to distinguish between that?"



Let me give you an example of that. When I taught at State, I have a class, more than twenty-five (25) students and I say to them, let's go meet at the Gardens. I will have my class at the Gardens. This has happened many times. Does that require a permit?"

Mayor Miller stated, "I believe that would be spontaneous."

City Attorney Yow stated, "There are exceptions and these are noted in the Ordinance, that would fall under the section of exceptions, students going to and from classes and participating in educational activities provided that such contact is done with immediate and direct supervision with the proper school."

Mr. Salama stated, "I will give you another example. At an Orangeburg-Wilkinson High School Graduation, I have a party at my house and more than twenty-five (25) people are there and we have so many people that we carry the activity to the park, I wouldn't need a permit. But, if I had planned it ahead of time and planned it for the park, I would need a permit?"

Mayor Miller replied, "Right."

Mr. Salama stated, "As to the nature of the event, would that make a difference?"

City Administrator Yow stated, "That is stated here where it states speech content does not matter."

Mr. Salama stated, "You are still requiring the approval of five neighbors within 500 feet, what is the magic number?"

Mayor Miller stated, "That pertains to having an event that is not on your personal property. If you are going to hold it in a public place, you are going to have to get five residents in order to have the event."

Mr. Salama responded, "I am asking you to try to consider this requirement because anyone may want to call because of the event, maybe the sixth person down the street."

Mayor Miller replied, "We have a Noise Ordinance in Orangeburg and you cannot go out and disturb your neighbors because if you do even in your backyard and it is creating a nuisance, someone is going to come by and ask you to tone it down."

Mr. Salama responded, "That is why I gave you the article today about the noise because we already have the Ordinance whether public or private property or driving my car. The number is twenty-five (25), I would suggest you make that fifty (50) or above or higher than twenty-five (25). If you are having a reception that many people is easy to have."

Mayor Miller replied, "That doesn't pertain to your house."

City Attorney Yow stated, "The number twenty-five (25) was explained to Council during first reading. The number was not arbitrarily chosen. That number came from case law established by courts in this type of public assemblies. That was explained the first night."

Mr. Salama responded, "If I have twenty-four (24), I don't have to have a permit?"

City Administrator Yow replied, "That is correct."

Mr. Salama asked, "Is there any flexibility as far as twenty-five (25)? Is there any enforcement when the police come and they count and there are twenty-five people (25) there and they state that you are in violation, you pay \$500 or go in prison for thirty years. In any event, I still have real concern about interpretation and enforcement."

I would like for the law enforcement to give some input on how this new Ordinance can be interpreted and enforced”

Mr. Richard Union of 278 Pinehill Road addressed Council. He stated, “This Ordinance pertains to public places, what are you going to do next month when you have a City Council meeting? Does City Council have to get a permit?”

Mayor Miller replied, “No sir.”

Mr. Union asked, “What about the Festival of Roses, do they have to get a permit?”

Mayor Miller replied, “No sir, I think that it is addressed in the Ordinance, isn’t it?”

City Administrator Yow replied, “A government agency is acting within the scope of its functions.”

Mr. Union replied, “On the weekends, the Gardens are full of people having a family reunion, there are tourists coming here to have reunions. What are we going to do about those; these things are planned and not spontaneous.”

City Administrator Yow replied, “If you look up the definition of public assembly, that doesn’t interfere with the regular or normal flow of pedestrian or vehicular traffic.”

Mr. Union asked, “I wouldn’t have to get five people to sign off on it?”

City Administrator Yow replied, “No.”

Mr. Union asked, “What is the difference from having a gathering at the Gardens or at Sunnyside, if you have over twenty five (25) people?”

City Administrator Yow replied, “The difference is having it in an area surrounded by residential houses.”

Mr. Union replied, “By Riverbank, there are houses.”

City Administrator Yow replied, “That is not a residential zone, the Gardens are not zoned residential.”

Mr. Union asked, “If I am sitting across the street, in my residential home, across from the Gardens, I have no recourse if I call the Police?”

Mayor Miller replied, “Yes, you can call them if they bother you.”

Mr. Union asked, “The assembly is alright if the noise is not a problem; I am asking this specifically, because if we have a Noise Ordinance already in place, why can’t we enforce that instead of imposing more restrictions on the citizens of the City.”

City Administrator Yow replied, “I will read this one section to you. Activity that interferes with the normal flow of pedestrian or vehicular traffic or interferes in any space open to the general public. That is in the Ordinance.”

Mr. Union replied, “That is fine, I understand that. I just wanted to come up and voice my concerns. I appreciate you letting me take the time to do it. As a citizen of this City, I am strongly against this Ordinance. Thank you.”

Mayor Miller asked if anyone else would like to speak at the Public Hearing. Hearing no comments, the Public Hearing was closed and Council entered into the regular scheduled meeting.

Page 4

**PRESENT:**

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

Visiting students from Claflin University were recognized as well as visiting students from Project Positeen.

A motion was made by Councilmember Rheney, seconded by Councilmember Miller, to approve the March 18, 2008, City Council Minutes as distributed. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Knotts, to approve the Third Reading of an Ordinance to amend Section 24-4.1, District Boundaries and Maps of the Code of Ordinances of the City of Orangeburg and the Zoning Map of the City of Orangeburg, SC, (350 Whaley Street) from D-1 to B-1 General Business. This motion was unanimously approved.

A motion was made by Councilmember Miller, seconded by Mayor Pro Tem Haire, to approve the Third Reading of an Ordinance to amend Section 24-4.1, District Boundaries and Maps of the Code of Ordinances of the City of Orangeburg and the Zoning Map of the City of Orangeburg, South Carolina (350 Magnolia Street) from D-1 to B-1 General Business. This motion was unanimously approved.

A motion was made by Councilmember Knotts, seconded by Councilmember Jernigan to approve the Third Reading of an Ordinance to annex property at 1650 John Wesley Drive, TMP#0174-13-04-005 into the City limits of the City of Orangeburg to A-2 Multi-Family. This motion was unanimously approved.

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan to approve the Third reading of an Ordinance to annex property at 1656, 1658 and 1660 John Wesley Drive, (a/k/a: 102, 204, 206, 108, 112, 116 Manisha Court), TMP#0174-13-04-006 into the City limits of the City of Orangeburg, South Carolina to A-2 Multi-Family. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the Fiscal Year 2008-09 Budget Calendar. This motion was unanimously approved.

A motion was made by Councilmember Jernigan, seconded by Councilmember Rheney, to approve the Third Reading of an Ordinance to amend the Municipal District Map dated November 6, 2001, for the purpose of adding newly annexed City property to Municipal Council District Two (2). This motion was unanimously approved.

Mayor Miller presented Ms. Sonya Gass with the April, 2008, Character Trait Proclamation, "Patriotism".

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to approve a Resolution recognizing April, 2008, as Fair Housing Month in the City of Orangeburg. This motion was unanimously approved.

Page 5

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 by Utility Service Company of Perry, Georgia, in the amount of \$281,000.00 for the repainting of three (3) elevated water tanks (Saddle Club Road Tank/St. Matthews Road Tank/Cameron Tank). Councilmember Barnwell asked if they had ever done work for the City previously and DPU Manager said they had not as they had never submitted a bid before. This motion as unanimously approved.

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

There being no further business, the meeting was adjourned.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Carrie W. Johnson".

Carrie W. Johnson  
City Clerk

/plb



## CITY COUNCIL MINUTES

### April 15, 2008

Orangeburg City Council held its regular scheduled meeting on Tuesday, April 15, 2008, at 7:00 P.M., in Council Chambers with Mayor Pro Tem Haire presiding.

**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 Miller, to approve the April 1, 2008, City Council Minutes as distributed. This motion was unanimously approved.

Mr. Bo Fender, Senior Patrol Leader of Troop 45, addressed Council. He gave highlights of the history of the Troop and former Eagle Scouts of the Troop. A report was given to Council along with pictures of the projects the Troop had accomplished throughout the community and the City. He also highlighted what the requirements are for an Eagle Scout and merit badges.

Mr. Jeffrey McMorrow of Horger Street addressed Council. He stated, "I reside in the City of Orangeburg at 850 Horger Street with my friend and mortgagor and I have a South Carolina driver's license and I am registered to vote in Ward 8. While writing this speech, I received this agenda in the mail and "Patriotism" is the Character Trait for April, 2008. Patriotism can be simply defined as having love for one's country. However, many have created great injustices in the name of king and country throughout history. The true meaning of patriotism by Lawrence W. Reed writes the following. He describes patriotism as the root and ideas that in turn gave birth to a country, but it is the ideas that I think of as being patriotic. I am a patriotic American because I revere the ideas that motivated the founders that compelled them in many instances to put their lives, fortunes and sacred honor on the line."

Mayor Pro Tem Haire informed Mr. McMorrow that, "Council has been provided some letters that you have submitted to both City Administrator Yow and Chief Davis and I don't mean to cut your speech short, but if you would, we would like to hear what it is that you want Council to hear as it relates to the complaint."

Mr. McMorrow replied, "Certainly, I will cut out that extraneous matter altogether. I am a peaceful man but a fighter, though and I feel compelled. My rights are important to me and I seek to protect them. The following City Ordinances enumerate my rights. Disturbing the peace in Section 12-2.9 of the City Ordinance states, all animals shall be kept and maintained in such a manner as to not to disturb the peace, health, safety and general welfare of a person in the City. No person shall keep in the city limits an animal that habitually or repeatedly barks or howls to the extent that it is a public nuisance."

"As you have been made aware, for two years, I and Ms. Crucilla, have been bothered by our neighbor's dogs at 880 Horger Street. Each and every morning, the dogs will bark too loud and too often. Chief Davis did a fine job discussing the problem with those neighbors and us and I praise his effort in trying to restore order. I fear however, our difference with all our neighbors persists and the dogs are as disturbing as ever and there has been little or no effort being made to silence them by their owner. I believe that maybe the problem is that our neighbors have too many dogs. I know that at 880 Horger Street there are at least seven dogs and at 860 Horger, they have at least four. I say at least because there are some puppies there. I grew up in Sand Hill, California. That city limited each household to no more than three dogs. I have owned dogs, two at a time and I understand them well. Dog Trainers and I believe that three or less are

## Page 2

a manageable number. Above that, dogs will excite each other into a wild pack behavior, which could lead to violations of the Nuisance Ordinance. Through mediation with our neighbors, it was suggested that we try to close our windows, but this encroaches on our freedom and clearly demonstrates a flexible stance my neighbors have adopted. They complain about the cost of bark training or collars, then why do they have so many dogs? Neighbors at 860 Horger have recently acquired four dogs that they keep staked out in the yard day and night. I am no fool; I believe that this is a part of a concerted effort with the neighbors at 880 Horger to drive us out of the community. Since we have moved here in December, 2005, they and their family members who live across the street, have never welcomed us into their neighborhood. They often shout and hang out, outside in their vehicles and act as if they have more rights than us. It seems they are quite hostile and have made it clear that we should go back where we came from. I am not accustomed to take threats of bodily harm and taking steps to turn my quality of life. Moving is something we think about every day. If we were to put this property up for sale, I would want this property to not be negatively affected by neighbors' dogs barking especially in this very difficult housing market. We also have a general right to live peacefully and not to accommodate nuisance animals. I believe it is time that this Council adopts an Ordinance limiting the number of dogs per household and I also think that the laws, already on the books, should be enforced without putting victims in fear of their safety. This is the true spirit of patriotism, Thanks for your time."

Councilmember Miller asked, "You feel as though a remedy may be to limit the number of dogs per household, what if a dog has puppies and most litters are about six to eight, how would we rectify a situation like that?"

Mr. McMorrow replied, "We were concerned when we moved there that they may be breeders. It is kind of an odd situation, they are staked out and he brings them in and out. I thought maybe he hires his dogs out for hunts or something. I am sure he has to have permits for that. The dogs lead him down the street in the yard. I just think he has too many dogs to handle. I just wish he would tell them to calm down. That is what my City did where I used to live; I don't know what else it would be for?"

Councilmember Jernigan asked, "Has he made any effort to try to come to some kind of agreement with you or is he sorry for his dogs barking? Is there any communication between the two of you?"

Mr. McMorrow replied, "The first time I called Public Safety, they asked if I addressed the neighbors about their dogs? Like I told the Chief, it is almost like he hears a choir of angels singing when they are barking. Given that appearance, I didn't think it would come to much. When I did speak to him, he said they were his babies and the talk we had was far from peaceful. He wasn't concerned about my comfort level and wasn't interested in trying to mediate things, in fact, he was quite threatening. In fact, we kind of let it go when last year in 2007 when he got a new dog and that dog is louder than the others combined. To make a long story short, Gene Nelson stopped by to inspect our roof and he noticed the barking of the dogs. He went over to talk with them and a day later that owner came over and threatened me again. The meeting we had with Chief Davis, I don't feel there were any concerns about our feelings. We tried to reach an agreement of trying to work around it by closing the windows. They suggested we call the neighbors before we try to call DPS. They are unreasonable."

Councilmember Jernigan asked, "Has anybody else in the neighborhood complained about these dogs barking, or is everybody on his side?"

Mr. McMorrow replied, "We have businesses that only work during the day and they have soundproof facilities, but there are some neighbors that do not like it and they are glad we are here tonight. The salon down the street doesn't like the noise. The neighbors don't have a fenced yard even though they told Chief Davis they do. Dr. Salley's staff knows what a pain they are to listen to and there are other people down the street and on Berry Street that hear them also. I think a lot of people take it in stride because it is not their home. This is our home, we sit outside and like to barbeque, we have our breakfast out there and it is really quite overwhelming."

## Page 3

Councilmember Rheney asked, "They are not fenced in?"

Mr. McMorrow replied, "No, they are not. Most of them are tied on and only a limited space and small kennels."

Councilmember Rheney asked, "Have you ever seen them out?"

Mr. McMorrow replied, "I have seen a dog in my yard on occasion. There are two houses in a row that have dogs. One of these just recently got dogs. These neighbors are very close and it is if they are living on each other's land. He told Chief Davis, he loved this man and he is great and we have come in and pushed our way around. It is difficult. There is a man across the street who recently got two dogs that don't bother us. The noise is something that is very bothersome."

Councilmember Jernigan asked Chief Davis, "Your people have been out to see this situation, have any citations been issued?"

Chief Davis replied, "We have enough to cite the owners of the dogs. We have documentation to classify the dogs as a nuisance. In our discussions, Mr. McMorrow's preference was to have mediation. We were prepared to issue a citation at the next complaint. It was at his urging to have mediation. We did that on Thursday. As a result, the agreement was that some concessions would be made that the owners of the dogs would keep them quiet by whatever means and that we would try that for two weeks and if the situation was not resolved within a two-week period that we would have to resort to a citation and have it resolved in Municipal Court. At that point, Mr. McMorrow was in agreement with this. If we need to change the agreement, we would have to get everyone together again. We have enough at this point to issue a Nuisance Ordinance. There was an effort to try to create some synergy in the neighborhood so we would not have a situation where we have one group against another."

Councilmember Miller asked, "What is your recommendation?"

Chief Davis replied, "To adhere to the agreement that we have. We have not had a wholesale problem with the number of dogs. I can't document where we have had a problem concerning the number of dogs. I have not researched the Ordinance that he talks about. That is certainly something you may want to consider."

Councilmember Barnwell asked, "Have the neighbors threatened you?"

Mr. McMorrow replied, "Yes, he said verbatim, I will drag you out of your house, you need to let this go, I told you what would happen. He mentioned in 2006, that he was a hit man from Philadelphia and he could have me taken out anywhere in the City. At that time, I apologized to him and his wife and the neighbors. The last time when Gene Nelson went to visit him, he came down the street and said remember what I told you, I will drag you out of your house. He is smaller than me, I know the laws. He was close enough that I would have been in my rights to attack him rather than be attacked. It was more like lay off and he told me the dogs are on his property and they are going to bark and you can't do anything about it. That is not the way I read the law. Rather than limiting the number of dogs, maybe they need to control the ones they have. I have footage today; there is never an attempt to quiet them. They are just staked out and fed and that is it. The dogs are out day and night. Night is another issue."

Councilmember Barnwell asked, "Have you noticed any results since the meeting?"

Mr. McMorrow replied, "That is the disturbing part. I wrote a letter to Mr. Yow about that, I don't really see that. There would be a two week moratorium and I would first call the neighbors. I don't even have their numbers. Today, I tried shouting and when I heard an effort made, I said thank you. I don't see an effort made. As I wrote, these people complain about the cost of training or collars, they have a lot of dogs they are feeding every day. There is one expense or the other. I look forward to my mornings and I know it will be the same thing."

Councilmember Jernigan stated, "It is hard to keep a dog from barking, but we can't continually let this be a problem in the City. This is the second time in six to eight months that I have had a

**Page 4**

complaint in my district on barking dogs. The other party that had the complaint took his case to court and I don't know the results from that. I know that happened and that is two cases in just my district."

Councilmember Jernigan recommended that an Ordinance be researched that would limit the number of dogs in a household. "I don't know if there is a number, I think that is part of the research." City Administrator Yow stated this could be presented at the Budget Planning Session for discussion. This was agreed to by Council.

Mr. McMorrow replied, "I would like to preserve the community of character as much as possible. I realize that this is just one option that I have. I could have had this man arrested for threatening me, I could have the dogs cited or taken away. There are many options open. I would like to stay retired and have a quiet neighborhood."

Councilmember Rheney asked, "Do you have any odors?"

Mr. McMorrow replied, "The newest dogs have odors. The animal control officer also had concerns and there are really no dog houses."

City Administrator Yow overviewed the Parade and Public Assemblies Uniform Permit Ordinance, (Chapter 5, Section 21) for Council and highlighted that there were no changes since last reading and noted a Public Hearing was held on the matter during the last meeting.

A motion was made by Councilmember Rheney, seconded by Councilmember Barnwell, to approve the Third Reading of an Ordinance repealing in its entirety Chapter 9, Section 3 of the Code of Ordinances of the City of Orangeburg and repealing Chapter 5, Section 21 of said Code in its entirety and replacing said Chapter 5, Section 21 with a New Chapter 5, Section 21 for the purpose of establishing a uniform permit requirement for parades and public assemblies. This was a 5-1 vote as Councilmember Knotts opposed.

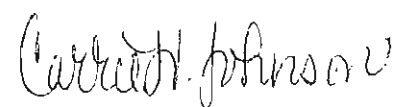
A motion was made by Councilmember Knotts, seconded by Councilmember Barnwell, to approve a request from Orangeburg County to waive the building permit fee for renovations to the County Courthouse. City Council was provided the total renovation costs and dollar amount of the permit fee. This motion was unanimously approved.

There were no utility matters brought before Council.

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

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson  
City Clerk

/pfb



## CITY COUNCIL MINUTES May 6, 2008

Orangeburg City Council held its regular scheduled meeting on Tuesday, May 6, 2008, 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**

The Men's and Women's Tennis Teams from South Carolina State University were introduced and recognized for their successful season and were wished well in their upcoming tournament.

Mr. Fred Boatwright, DPU Manager, was recognized as receiving the W.T. Linton Award for environmental protection from the South Carolina Department of Health and Environmental Control.

A motion was made by Councilmember Jernigan, seconded by Councilmember Barnwell, to approve the April 15, 2008, City Council Minutes as distributed. This was a 6-0-1 vote as Mayor Miller abstained as he was not present at the last meeting.

Detective Cindy Smoak was recognized as being presented the Service Above Self Award from the Rotary Club Morning.

Mayor Miller, DPU Manager Fred Boatwright and Electrical Division Manager John Bagwell presented a Retiree Resolution and a gold watch honoring Jerry E. Hughes for his thirty-eight years and two days of service to the Department of Public Utilities of the City of Orangeburg.

Mr. John Cruise addressed Council. He stated, "My name is John Cruise and I live at 2264 Riley Street and have been there since 1972. Tonight, I want to talk to you about barking dogs, howling dogs and it is hard for me to sleep. I like to sleep and sometimes in the afternoon. I would like to talk to you about Dog #1, #2, #3 and #4. Dog #1 is a house dog that lives in the house and then gets put out in the afternoon. Saturday it was 11:30 a.m. until 2:30 p.m., today it was 4:00 in the afternoon and sometimes in the mornings they are put out. Small house dogs should be in the house not in the pen. Dog #2 is a large dog in a 10 x 12 pen. He barks when he sees a deer, coon or whenever he wants to like he does at 2 o'clock in the morning and at 6 o'clock in the morning. All of these dogs are within 400 feet of my bedroom. If the deer don't show up and the other dogs don't bark, he is okay. Dog #3 chases bikes and eats all the cat food in the neighborhood. I found a neighbor all the way over on Woodland that said he couldn't feed his cats anymore because the dog eats the cat food. He runs loose about 10% of the time. He was barking at 3 o'clock in the morning. Dogs #4, #5 and #6 live on Hydrick and one of them runs loose, a black dog. When you call Animal Control, what do they do, they don't bark, they don't run loose. That is why I am here. I should add that dogs that are taken care of don't bark, properly cared for dogs don't bark. We have an Ordinance that covers every one of these things that are mentioned. I have it here and I have read it well. Animal Control knows this and they know where they are. Help me enforce the Ordinance that we have so that I can get some rest."

Mayor Miller asked, "When these dogs bark in the morning and at night, have you called Public Safety?"

Mr. Cruise responded, "Numerous times over the past year and a half."

## Page 2

Mayor Miller asked, "What do they say?"

Mr. Cruise responded, "We don't hear them bark. We talk to the people and nothing happens."

Mayor Miller stated, "We are going to try to see what we can do to help you sleep at night because there is nothing worse than a barking dog."

Mr. Cruise stated, "I would like to add that I read Mr. McMorrow's account who appeared at the last meeting and I said I have an ally. I went over to his house last week and spent about an hour there. It was like we had five dogs in the living room. I said Jeff, I would go absolutely ape. When I left, two dogs ran up the street."

Mr. Miller asked Chief Davis, "What is the protocol on this?"

Chief Davis responded, "Certainly, when we get the call, we are going to go out and investigate it. In this case, Captain Turner sent out a memo to our Patrol Division because we were aware of this situation. We were in conversation with Mr. Cruise. Ultimately, we did take this to court. We made at least one citation that I am aware of. We go out and try to identify the source, work with the neighbors and get some kind of resolution. One citation was dismissed in court. With my conversation with Judge Houser, there were several witnesses who did not see the complaint of the dogs barking as a significant problem to them, so it was dismissed by the court."

Mayor Miller asked, "If a citizen calls in at two o'clock in the morning and Public Safety goes out there, what happens?"

Chief Davis replied, "We would make an attempt to get the dog quieted and if the dog cannot be quieted and we get several calls, we then issue a citation."

Mayor Miller asked, "Do you ever pick the dogs up and take them in?"

Chief Davis said, "That would be an extreme circumstance."

Councilmember Jernigan stated, "It apparently is an extreme problem right now in Orangeburg. I had a phone call right before Council tonight from an individual who couldn't be here. They were in support of what Mr. Cruise has said and what Jeff has said. They have had problems with it also and they live in my neighborhood. I personally haven't had a problem with it, but that is not to say no one else has. I am sure it is a problem because there are too many people complaining about it and I think we need to address it. At the last meeting, I think we agreed to bring it up at the Planning Session and discuss it from a standpoint of the possibilities of putting some more teeth in these Ordinances or seeing what we can do to help get this situation resolved. The Planning Session is coming up in June, so it is just a month away. We will do everything we can between now and then, but that will be when we have a chance and can put our heads together and say look, let's do something about this."

Councilmember Rheney asked, "Mr. Cruise, are some of these dogs running loose?"

Mr. Cruise responded, "We have a leash law and we have had some dogs killed lately and I am sure everyone has read the article by Austin Cunningham who lost his dog and I cried with him. We have had some cats killed also and it has to be dogs that are running loose that did it. If these are inside dogs and they are outside and someone calls for help and these dogs go inside, when the officers get there, they are not going to see or hear anything."

Mr. Cruise responded, "When we go to court, none of the officers that were there were in court. The ones that were there did not hear them bark, so I lost."

Mayor Miller replied, "We are going to try to see if we can do a better job, not only for you, but for others that are being affected by barking dogs."

Mr. Cruise stated, "I did a little research and most people don't want to get involved in what I am doing. The people are out there; they will call you, but won't get involved. I don't want any conflict with my neighbors and neither do they."

Councilmember Barnwell asked, "Did you say that some of the officers that were involved heard them bark and they did not show up for court?"

Mr. Cruise stated, "The notice was rather sudden and they didn't have time and I didn't have a chance to call them either. I didn't know that they had to appear. No offense to them. Just help us."

Chief Wendell Davis accepted the May 2008 Character Trait Proclamation "Courage".

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Rheney, to approve a Resolution establishing the City of Orangeburg as a Community of Character. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve a SC Department of Transportation Youth Corps Grant. This motion was unanimously approved.

Assistant City Administrator Bronson addressed Council and overviewed the history of waivers for water and wastewater taps and the area on the map in question of 2574 Columbia Road where Mr. Sudhir Patel has planned to construct a gas station/convenience store. He stated that Mr. Patel and his partner, Mr. Gopal Kondapaneni are requesting a waiver and Mr. Kondapaneni is here representing the partnership.

Mr. Kondapaneni addressed Council, "I live at 4115 Riverbank Drive and I have been there about twenty years. My partner and I are looking to build a convenience store on this property about a year ago. This property near the apartments seemed to be a good location for a convenience store. There are almost three hundred apartments there and there are no convenience stores within a two to three mile radius. This is a planned convenience store and gas station at 2574 Columbia Road past the Glenfield Apartments. This building has a modern design, hands on management and security lighting. My partner lives one-half mile from this location. Actually, property on Columbia Road is like St. Matthews Road, seven or eight years ago. The same time Horizon opened up a gas station there and it is extremely busy. This would be a good tax base for the City of Orangeburg."

Councilmember Jernigan asked, "Have you communicated with the residents up there in Spring Valley and the surrounding areas about this to see if they would like to have a convenience store there?"

Mr. Kondapaneni responded, "We have contacted the people in the townhouses near there on one side (four or five residents) and the realtor at Wilder Realty."

Councilmember Jernigan asked, "What were their feelings?"

Mr. Kondapaneni responded, "Mixed feelings."

He further stated, "We own two lots near Spring Valley and we are willing to put houses there instead of townhouses on those lots."

Councilmember Miller asked, "Can you qualify a convenience store?"

Mr. Kondapaneni responded, "It is a gas station and a convenience store."

Councilmember Barnwell stated, "When I ran for City Council in 2001, my platform then was that I was totally against destroying neighborhoods and residential communities. All I see here, I wouldn't want this across from my house. I am not in favor of any of this, other than single family separate dwellings. I think this would destroy this neighborhood and what you would do to those neighbors is unfair. They put their life savings into it and you are going to destroy it and I am totally against it."

Councilmember Jernigan stated, "I have had several phone calls from residents in that area. Those must be the ones that you said are on the other side of the mix because none of them are in favor of putting this over there. One of their main concerns is the fact that convenience stores seem to be a high crime target and they are just not really interested in having something like that in the neighborhood."

Councilmember Barnwell stated, "I have also. Furthermore, the old BP station had to be closed because the crime was so bad right up the street."

Mr. Kondapaneni responded, "At that time, the City was not growing so much. There is a lot going on now, look at St. Matthews Road now compared to many years ago. There are apartments on Baugh Street. At first, we didn't have any security lights there and now we do."

Mayor Pro Tem Haire asked, "You stated that this would enhance the tax base of the City. Is it not the desire of the owner to withdraw his signature from the original annexation petition? The letter here from Mr. Patel is withdrawing his petition from annexation. The area you are talking about is Tax Map #0174-09-03-012 where the convenience store would be located. According to this letter, he is withdrawing his petition for annexation. So, I don't see how that is going to enhance the tax base of the City."

Mr. Kondapaneni responded, "If I have water and sewer that is an automatic tax base, if we have a convenience store that is generating the income."

Councilmember Barnwell responded, "Water and sewer is not a tax, it is a service."

City Administrator Yow stated, "I think what Mr. Kondapaneni is trying to say is that he would be required to sign a covenant for annexation for water and sewer."

Councilmember Jernigan asked, "Are you saying that you would come in the City if you got your water and sewer?"

Mr. Kondapaneni responded, "Yes, I would like to come."

Councilmember Barnwell asked, "Why did he request his name be removed from the petition?"

Mr. Kondapaneni responded, "We bought that property based on the convenience store, otherwise, I don't know what we'd do with it."

Mayor Miller stated, "Build more houses."

Mr. Kondapaneni responded, "The market is not there at this point and we have land on the other side also."

Mayor Miller asked if anyone else had any questions for Mr. Kondapaneni.

Mayor Miller asked, "Your request of us is to waive our general terms and conditions and the only way we could waive that is if it presents a hardship and I don't know what the hardship would be for us to waive that. Can you give me some reason that this would propose a hardship for you?"



**Page 5**

Mr. Kondapaneni responded, "Based on the plans and the purchase of the property with the intention of making it commercial and there is a need for that with so many apartments nearby. There is a need for a gas station."

Councilmember Barnwell made a motion to deny the request from Mr. Sudhir Patel for a water and wastewater tap at 2574 Columbia Road, seconded by Councilmember Rheney. This motion was unanimously approved.

Mayor Pro Tem Haire asked Assistant City Administrator Bronson, "I read in the packet, that there was a community meeting held on May 1, 2008, at 7:00 P.M., at the Church of God on Columbia Road, every property owner in the proposed annexation area was invited to attend. How did those invitations go out?"

Assistant City Administrator Bronson replied, "Via letter from me, I did not send it certified, it was sent regular mail about a little over a week in advance."

Mayor Pro tem Haire asked, "In other words, this is in addition to what we annexed prior, right?"

Assistant City Administrator Bronson replied, "Yes, the area that I am talking about in the statement you just read is only the area you see on the map right now. The area is the green and the red area. This is an actual map that DPU is currently using; the green indicates that the County has that parcel zoned as single family residential, our equivalent to that in the County. That means that these parcels could get a wastewater tap without having to have a waiver from you. The parcels in red are zoned something other than single family residential. According to the general terms and conditions, they are zoned different than single family residential. In order for any of these parcels in red to get a water or wastewater tap while this annexation is pending, they have to come before you and request a waiver. I apologize that I have given you a confusing map."

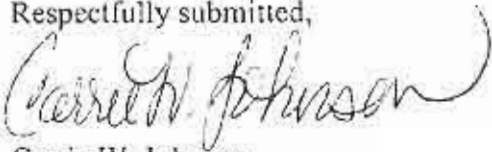
Mayor Pro Tem Haire responded, "Not so much a confusing map as it is where we are still not getting the big picture as I see it if we are moving aggressively on annexation across the board."

There were no utility matters brought before Council.

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

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson  
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 in the City of Orangeburg.

**Passed By** the City Council of the City of Orangeburg, State of South Carolina, this 1st day of April 2008.



Paul G. Miller  
Mayor

James H. Hines

Charles W. Hines

Charles H. Hines

Charles H. Hines

Charles H. Hines  
Members of Council

ATTEST:

Carrie V. Johnson  
City Clerk





## RESOLUTION

A RESOLUTION FOR THE CITY OF ORANGEBURG, DEPARTMENT OF PUBLIC UTILITIES TO ACCEPT THE LOW RESPONSIBLE BID BY UTILITY SERVICE COMPANY OF PERRY, GEORGIA IN THE AMOUNT OF \$281,000.00 FOR THE REPAINTING OF THREE (3) ELEVATED WATER TANKS (SADDLE CLUB ROAD TANK / ST. MATTHEWS ROAD TANK / CAMERON TANK)

WHEREAS, the Department of Public Utilities of the City of Orangeburg, South Carolina, received bids on March 12, 2008 for the repainting of three (3) elevated water tanks (Saddle Club Road Tank / St. Matthews Road Tank / Cameron Tank); and

WHEREAS, the low responsible bid for this work was submitted by Utility Service Company of Perry, Georgia in the amount of \$281,000.00; 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 1<sup>st</sup> day of April, 2008.



Paul G. Miller  
MAYOR

Glenn Haire  
Jandia R. Hobbbs  
Charles B. Bunnell  
James J. Miller  
Carl D. Dyer  
James W. P. P. P.  
MEMBERS OF COUNCIL

ATTEST:

Carrie H. Johnson  
CITY CLERK



## A Resolution

### To establish the City of Orangeburg as a COMMUNITY OF CHARACTER

**WHEREAS,** the people of the City of Orangeburg recognize the importance of honorable character qualities based upon the moral standards held by our Founding Fathers on which they established our nation and legal system; and,

**WHEREAS,** we recognize the validity of the statement by Alexis de Tocqueville that "America is great because she is good. When America ceases to be good, she will cease to be great"; and,

**WHEREAS,** we desire to build upon our heritage and continue to make Orangeburg a place where families are strong, homes and streets are safe, education is effective, business is productive and neighbors care about one another; and,

**WHEREAS,** we recognize that individuals are responsible for their actions and that daily decisions should be based upon objective moral standards which are the basis of universally-recognized character qualities, including obedience, honesty, truthfulness, diligence, generosity, kindness, loyalty and courage; and,

**WHEREAS,** there is a need for more positive role models among our young people and to insure the continued safe atmosphere where character is exemplified, taught and strengthened and where learning is encouraged; and,

**WHEREAS,** encouraging employees by recognizing positive character qualities has resulted in an increase in workplace morale, employee safety and corporate profits; and,

**WHEREAS,** the emphasis of positive character in every sector of society can only occur as individuals commit themselves to exemplifying character in their personal lives and inspiring others to do the same.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of Orangeburg, South Carolina, in Council duly assembled, pledges our commitment to character and to doing all in our power to become known as a Community of Character by promoting character in our schools, businesses, homes, churches, town government media and community groups and we urge the leaders of each of these groups to do likewise.

Adopted by the City of Orangeburg Council this 6<sup>th</sup> day of May, 2008.



*Carrie W. Hansen*  
City Clerk

*Paul A. Miller*  
Mayor  
*James H. Hart*  
*Danah L. Harris*  
*Charles B. Bawvill*  
*Travis A. H. Jr.*  
*Paul T. Higgins*  
*James L. Phelan*  
Council Members





## RESOLUTION

- WHEREAS, Jerry E. Hughes, faithfully served the Department of Public Utilities of the City of Orangeburg for thirty-eight years and two days with a retirement date of April 30, 2008; 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. Hughes in recognition of his services.

PASSED BY the City Council of the City of Orangeburg, State of South Carolina, this 6<sup>th</sup> day of May, 2008.



Paul G. Miller  
Mayor

John W. Kheneaf

Sam Hane

Sandra F. Smith

Charles B. Barnwell

Chad Ryan

Irvin A. Miller  
Members of Council

ATTEST:  
Carrie H. Johnson  
City Clerk

# **CITY COUNCIL MINUTES**

## **May 20, 2008**

Orangeburg City Council held its regular scheduled meeting on Tuesday, May 20, 2008, 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**

**ABSENT:**

**Joyce W. Rheney**

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to approve the May 6, 2008, City Council Minutes as distributed. This motion was unanimously approved.

Chief Davis presented, as information, to Council an announcement about the upcoming Memorial Service to be held at 10:00 A. M. on Wednesday, May 21st and also the annual Department of Public Safety inspection to be held Thursday, May 29<sup>th</sup> at 6 p.m.

City Administrator Yow advised Council of scheduling conflicts in the approved budget calendar concerning the all day planning session previously scheduled for June 21. He proposed the dates of June 23rd, 24th and possibly 25th from 5:30 P.M. until 8:30 P.M. He also noted that the first council meeting in July would be cancelled. A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Knotts, to approve the amended budget calendar for Fiscal Year 2008-09. This motion was unanimously approved.

City Administrator Yow addressed Council as to the State adopting the 2006 Building Codes as of July 1, 2008. He noted that the City is currently operating under the 2003 building codes adopted by the State. He noted that this would be his recommendation to adopt these new codes and asked Council for questions.

Councilmember Barnwell asked, "In Section B under Section 108.4, does that mean \$500.00 and 30 days?"

City Attorney Walsh stated, "It should be "or" but you would have to check the code to be absolutely sure. They are saying insert \$500 and insert 30 days and it is probably an "or" in between them."

City Administrator Yow stated, "If I could point out Section C, the maintenance code, the bottom four items are about weedy lots. What we have inserted here are growing seasons and I think we just need to insert January through December and enforce the Ordinance all year long. That would be just one suggestion that I would do and Council agreed to that change."

Council agreed to that change.

Mayor Pro Tem Haire asked if there were any other changes. City Administrator Yow stated, "There were no other changes, but he wanted to review it once more with the Building Official."

## Page 2

Mayor Miller asked the Building Official if he could check the Code for the “And” and “Or” in the sections.

Building Official Gene Nelson checked the Code and referred it to City Attorney Walsh.

City Attorney Walsh stated, “It said “or” for both such fines. The insertion is “or.”

City Administrator Yow stated, “We are just inserting in the blanks, what this is saying is that we have inserted \$500 in one blank and 30 days in another.”

Councilmember Barnwell asked, “By adopting this we are adopting Or.”

City Administrator Yow replied, “Yes.”

A motion was made by Councilmember Jernigan, seconded by Councilmember Miller, to approve the First Reading of an Ordinance to adopt nationally recognized Codes and Standards pursuant to South Carolina Code Section 6-9-10 and Section 6-9-60. 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 Jernigan, to enter into an Executive Session for discussion of a contractual matter concerning the Department of Public Utilities Electric Division. This motion was unanimously approved.

Council returned to Open Session.

DPU Manager Boatwright addressed Council. He stated “On April 30<sup>th</sup> of 2008, the Department of Public Utilities contract with SCE&G for electricity will expire and as you know; we have been working on a new electric supply agreement for well over a year. In early 2006, we requested proposals from our present supplier, SCE&G. We got one in March 2007. Also, in March 2007, we requested proposals from Progress Energy, The Southern Company and Duke Energy. We received proposals from SCE&G, two times, and Duke Energy.

The proposal we received from SCE&G included an approximate 30% increase in our electric supply costs over our present rate. We rejected the initial proposal and when SCE&G submitted a second proposal in June 2007, which had the same increases but spread over a 10-year rather than a 5-year period and that proposal was rejected in August. After that rejection, DPU received notice from SCE&G that the present contract would be terminated effective April 30, 2009. In the meantime, Duke submitted preliminary numbers, which were significantly more attractive than those from SCE&G, and we began negotiating seriously with Duke. So after a year of negotiating, extensive legal review by our Washington Attorney, Spiegel & McDiarmid (Jim Horwood) and analysis and critique by our consultants Black & Veatch (Larry Loos), we have arrived at a deal, which I think is a very good deal for the City of Orangeburg and the rate payers of DPU. The deal includes pricing and terms which are similar to those we presently enjoy, extremely attractive rates, credit for our own generation (different structure, but same overall monetary credit), reasonable accommodation for future load growth and most importantly treatment as “native load” (system average price allocation for generation). This is a ten-year contract, which if approved, will allow for stable supply costs, including a reasonable handle on fuel costs and a variety of generation sources. This new contract will not require any adjustments to any of our residential rates at this time. As you know, the purchase cost of power is a direct pass through to our customers and we anticipate the costs in 2009 to be approximately the same as they are now. The really good news is that they will not go up by 30%. Our cost of delivering the power to our customers does continue to increase, but I do not anticipate any changes in our residential rates at this time. We will, however, make some contractual adjustments to some of our industrial rates to reflect provisions of the new purchase agreement.

**Page 3**

This is an extremely important step for the Department of Public Utilities, the City of Orangeburg and the citizens we serve. This contract represents a change in electric supplier for DPU for the first time since 1919. While DPU's relationship with SCE&G has been very good for its customers, the best interest of the citizens of Orangeburg will be better served by this new agreement with Duke Energy. We are excited at the prospects of this partnership. Duke Energy is a much respected name in the energy generation business and provides us with the ability to maintain the mandate of City Council to provide the lowest possible costs to the customers of DPU. I would like to go on record as stating that SCE&G has been a significant partner in the success of the Department of Public Utilities and we are happy to be maintaining a working relationship with SCE&G. They will provide the transmission of our purchased power through one of their many interconnection points with Duke Energy to Orangeburg. Mr. Mayor and Members of Council, I urge you to accept this Resolution authorizing me, as Manager of the Department of Public Utilities, to sign the new contract with Duke Energy, Carolinas."

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve a Resolution authorizing the Manger of the Department of Public Utilities of the City of Orangeburg to execute an Agreement for the purpose of purchasing electric capacity and energy. This motion was unanimously approved.

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

There being no further business, the meeting was adjourned.

Respectfully submitted,

Carrie W. Johnson  
City Clerk

/pfb





## RESOLUTION

**A RESOLUTION AUTHORIZING THE MANAGER OF THE DEPARTMENT OF PUBLIC UTILITIES OF THE CITY OF ORANGEBURG TO EXECUTE AN AGREEMENT DATED MAY 1, 2009 BETWEEN THE DEPARTMENT OF PUBLIC UTILITIES, THE CITY OF ORANGEBURG AND DUKE ENERGY CAROLINAS, LLC FOR THE PURPOSE OF FURNISHING ELECTRIC CAPACITY ENERGY**

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

That the Department of Public Utilities, the City of Orangeburg and Duke Energy Carolinas, LLC enter into an agreement for furnishing electric capacity and energy between Duke Energy Carolinas, LLC and the City of Orangeburg effective May 1, 2009 and ending December 31, 2018;

**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 agreement 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 and the City of Orangeburg.

**RESOLVED BY** City Council duly assembled this 20<sup>th</sup> day of May, 2008.



*Paul G. Miller*

MAYOR

*Charles H. Hargis*

*Samuel H. Hargis*

*Sandra P. Hargis*

*Charles E. Barnwell*

*Julius H. Miller*

MEMBERS OF COUNCIL

ATTEST:

*Carol H. Johnson*

CITY CLERK

## City Council Minutes June 3, 2008

Orangeburg City Council held a Public Hearing on Tuesday, June 3, 2008, at 7:00 P.M., in Council Chambers with Mayor Miller presiding.

The purpose of the Public Hearing was to consider a zoning Change from A-1 Single-Family Residential District to A-2 Multi-Unit Residential District , property belonging to Courtsey Management for property located on Churchill Road, Tax Map # 0174-09-06-013.

Assistant City Administrator Bronson addressed Council. He stated, "This is a Public Hearing as required by Ordinance. The property is located on Churchill Road, there is not an address there because it is undeveloped. In your packets, you have a map that is color coded to identify the parcel."

Councilmember Jernigan asked, "The area that is cleared out, is that the only section or is it the whole section down Aster Court?"

Assistant City Administrator Bronson replied, "The property actually goes from the area you see cleared out adjacent to the townhomes where the cemetery is, all the way over down the back of Aster Court. That is the parcel that is in play. The owner has only cleared a portion of that property. Most of it is considered wet."

Councilmember Jernigan stated, "I know that some of the people here tonight are from that area and I know since this is in my district, I have talked to several of them. I think they are in concurrence of what the Planning Commission has determined."

Assistant City Administrator Bronson stated, "Just for the record, the Planning Commission denied the rezoning request."

Councilmember Barnwell asked, "Does it go all the way over to Aster Court?"

Assistant City Administrator Bronson stated, "If you look at the map, the hatch mark indicates the property. It backs up to the homes on Aster Court. It is about seven (7) acres."

Councilmember Rheney asked about the wall behind the homes on Aster Court.

Larry Hancock of 112 Aster Court addressed Council. He asked, "If this is voted in, what are the plans for this particular property if this is approved? Has the building plans been finalized?"

Assistant City Administrator Bronson replied, "I can answer it to a limited extent, the applicant is not here. So far, what has been discussed is the property is currently zoned as A-1 Residential. The request is for it to be zoned A-2 Multi-Family Residential. The intent for that is for it to be developed for some type of multi-unit use. According to the preliminary site plans that the applicant brought to the Planning Commission Meeting, it shows two triplex units. There would be three rental units in each building."

Councilmember Barnwell asked, "Are they one story or two story?"

Assistant City Administrator Bronson replied, "At the Planning Commission meeting, the applicant stated they would be one story."

Councilmember Barnwell stated, "I thought he said two-story?"

**Page 2**

Assistant City Administrator Bronson replied, "At the Planning Commission meeting there was some confusion."

Mayor Miller stated, "I am not sure because someone said 600 square feet, some say 700 square feet, I am not sure what they are trying to build."

Mr. Hancock stated, "If they are applying for this, are they not suppose to give you plans for what they are going to build on the property?"

City Administrator Yow stated, " They are not required to submit to Council the actual building plan prior to a rezoning request. They are not getting permission to build, they are asking for a rezoning request. This means that they are requesting to build multi-family housing that would have to meet the Zoning Ordinance with the request. It is not uncommon for the Planning Commission or City Council to ask what you are planning to build. When I read these minutes, I am a little confused because it seems at one point they say one-story and at another point they say two-story. As a technical issue, they are requesting a re-zoning request that does not require building plans That would come later if the re-zoning was approved."

Councilmember Barnwell stated, "In trying to be consistent with single family residences inside the City, and to me this is deviating and wrecking neighborhoods, I concur with the Planning Commission in denying it."

Melicue Metts of Aster Court addressed Council. He stated, "All of the homes in there and around there are single unit homes and I would like for it to be kept consistent."

Hearing no further comments, the Public Hearing was closed.

Council entered into the regular scheduled meeting.

**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 May 20, 2008, City Council Minutes as distributed. This was a 5-0-1 vote as Councilmember Rheney abstained as not present at the meeting.

Mayor Miller presented a Retiree Resolution to David C. Pinckney for his thirty-five years and five days of service to the City of Orangeburg's Hillcrest Golf Course. Jake Fogle, Hillcrest Manager, presented him with a gold watch.

Mr. Marty Murdaugh and Tripp Wingard addressed Council in regards to the audit for FY 2006-07. They reported that the City and DPU were in good financial shape and did not report any discrepancies. They commented that the staff was very helpful and knowledgeable. Mr. Miller stated for DPU, capital assets were up 2.6%, cash and investments were up 13%, total assets were up 4.5%, net assets were up 4.8%, gross revenues were up 1.2% and up 2.2% from the previous year, operating expenses were down 4.7%. He further stated for the City, fund balance increased \$77,000, cash flow from Pro Shop and Hillcrest was \$2,200 and cash flow from Airport was (\$9,500).

Page 3

Concerning the Ordinance to adopt recognized Codes and Standards, City Administrator Yow stated, "There was one thing I pointed out that I needed to look at. Under parentheses C, if you go down to the 4<sup>th</sup> section in 10 inches in height. I thought it referred to weedy lots and growing season. I was incorrect, that actually refers to heating and cooling and window screening that we do require. So, we left those dates in tact. I think we had a couple of other questions on the \$500 or 30 days and I think we cleared that up."

A motion was made by Councilmember Jernigan, seconded by Councilmember Barnwell, to approve the Second Reading of an Ordinance to adopt nationally recognized Codes and Standards pursuant to South Carolina Code Section 6-9-10 and Section 6-9-60. This motion was unanimously approved.

Mr. Don Tribble, Director of Community of Character, accepted the June, 2008 Character Trait Proclamation, "Fairness".

Assistant City Administrator Bronson addressed Council. He stated, "This is a revised Resolution from the Planning Commission. The original Resolution had some typos in it, so this is the revised one signed by the Chairman. You have already held a Public Hearing. Courtesy Management of Orangeburg has requested a rezoning for property located on Churchill Road, tax map #0174-09-06-013. The property is currently zoned A-1 Single-Family- Residential and the applicant is currently requesting A-2 Multi-Unit Residential. All necessary and property documents have been filed and posted according to South Carolina and Orangeburg laws. On May 22, 2008, a Public Hearing was held with the Planning Commission regarding this rezoning request. No member of the public spoke for or against this request. The only people in attendance were the applicant, the members of the Planning Commission and staff. Ultimately, the Planning Commission voted 6-0 to deny the request and if you will refer to the Resolution that I gave you, it essentially says the same thing."

A motion was made by Councilmember Barnwell, seconded by Councilmember Rheney, to accept the Planning Commission recommendations to deny and not pass the Ordinance to rezone property as requested by Courtesy Management..

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

A motion was made by Councilmember Barnwell, seconded by Councilmember Knotts, to enter into an Executive Session for a legal matter concerning the Terms and Conditions of the Department of Public Utilities regarding water and wastewater taps. This motion was unanimously approved.

Meeting Adjourned.

Respectfully submitted,

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

/pfb





## Special City Council Minutes June 5, 2008

Orangeburg City Council held a Special meeting on Tuesday, June 5, 2008, at 5:30 P.M., in the City Council Chamber Building with Mayor Miller residing.

**PRESENT:**

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

**ABSENT:**

Trelvis A. Miller

Mayor Pro Tem Haire made a motion, seconded by Councilmember Jernigan, to enter into an Executive Session for a legal matter concerning the General Terms and Conditions of the Department of Public Utilities regarding water and wastewater taps. This motion was unanimously approved.

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

City Attorney Walsh overviewed the Ordinance amending the General Terms and Conditions of the Department of Public Utilities as adopted by Council on November 6, 2002.

A motion was made by Councilmember Rheney, seconded by Mayor Pro Tem Haire, to approve the First Reading of an Ordinance amending the General Terms and Conditions of the Department of Public Utilities of the City of Orangeburg, SC, as adopted by Council on November 6, 2002. This motion was unanimously approved.

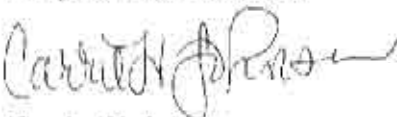
City Attorney Walsh overviewed the Resolution placing a moratorium on the granting of water taps and wastewater taps in proposed annexed areas of the City of Orangeburg.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Knotts, to approve a Resolution placing a moratorium on the granting of water taps and wastewater taps in proposed annexed areas of the City. This motion was unanimously approved.

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

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson  
City Clerk

/plb







## **RESOLUTION**

**WHEREAS,**

David C. Pinckney faithfully served the City of Orangeburg's Hillcrest Golf Course for thirty-five years and five days with a retirement date of May 23, 2008; and,

**WHEREAS,**

he, through his long and faithful service, contributed greatly to the successful operation of the City of Orangeburg's Hillcrest Golf Course; 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. Pinckney in recognition of his services.

**PASSED BY** the City Council of the City of Orangeburg, State of South Carolina, this third day of June, 2008.



*Paul G. Miller*  
MAYOR

*Sam Harris*  
*Sandra P. Kirtles*  
*Charles B. Bonniwell Jr.*  
*Julius J. Miller*  
*Paul D. Dargatzis*  
*Joseph P. Cherry*  
MEMBERS OF COUNCIL

**ATTEST:**

*Carrie N. Johnson*

CITY CLERK

**RESOLUTION PLACING A MORATORIUM ON THE GRANTING OF WATER TAPS AND  
WASTEWATER TAPS IN PROPOSED ANNEXED AREAS OF THE CITY OF  
ORANGEBURG**

**WHEREAS**, the City of Orangeburg is now requiring that property owners located in the unincorporated areas of Orangeburg County agree to annexation as a condition for provision of water and wastewater utilities from its Department of Public Utilities; and;

**WHEREAS**, property owners may attempt to circumvent the intent of this requirement by attempting to obtain vested rights from the County of Orangeburg prior to annexation; and,

**WHEREAS**, the City of Orangeburg has by ordinance on first reading amended its procedure to eliminate said circumvention by amending the General Terms and Conditions of its Department of Public Utilities; and

**WHEREAS**, it is necessary that the status quo be maintained pending the enactment of said ordinance.

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

That until the above described ordinance amending the General Terms and Conditions of its Department of Public Utilities which received first reading on June 5, 2008 is adopted on third reading, no water taps or wastewater taps shall be granted to property owners in any area under consideration for annexation during the time said Ordinance is under consideration for enactment.

**DONE AND RATIFIED BY THE CITY OF ORANGEBURG, STATE OF SOUTH CAROLINA THIS 5<sup>th</sup> DAY OF JUNE, 2008.**



Mayor

Paul G. Miller  
Barbara Hare  
Dandra F. Smith  
Charles B. Barnwell Jr.  
Frank D. ...  
Lyne W. ...

Members of Council

ATTEST.

Carrie H. Johnson  
City Clerk

## CITY COUNCIL MINUTES

### June 17, 2008

Orangeburg City Council held its regularly scheduled meeting on June 17, 2008, in the City Council Chamber Building 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 Mayor Pro Tem Haire, seconded by Councilmember Knotts, to approve the June 3, 2008, City Council Minutes as distributed. This was a 6-0-1 vote as Councilmember Miller abstained, as he was absent at the June 3<sup>rd</sup> meeting.

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to approve the June 5, 2008, Special City Council Minutes. This was a 6-0-1 vote as Councilmember Miller abstained, as he was absent at the June 5<sup>th</sup> meeting.

Mayor Miller, along with Councilmember Rheney, presented Mrs. Margaret Shecut Williams with the Edisto Award. This award recognizes citizens based on service, leadership, dedication, commitment and continuity. Mayor Miller highlighted Mrs. Williams' accomplishments and some contributions. He stated, "She organized the Junior Charity League, now the Junior Service League approximately sixty-two years ago and last year they made \$54,000.00. She also organized the Arts Center on the Edisto River and is very active in Friendship Force. She is also known for the Cherry Tree Project. She raised \$25,000.00 for the Yoshino Cherry Trees that are in the Edisto Gardens and throughout the City in memory of her husband, Marshall and daughter, Mary Ashley."

Mrs. Williams thanked Council, as well as family members and friends, including SC State Senator John Matthews, who came out in support of her. She stated, "I will keep doing for Orangeburg as long as I live. She paid tribute to her family and friends and her mother who took her to church and encouraged her education. I always remember to give back."

A motion was made by Councilmember Barnwell, seconded by Councilmember Rheney, to approve the Third Reading of an Ordinance to adopt nationally recognized Codes and Standards pursuant to South Carolina Code Section 6-9-10 and Section 6-9-60. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to approve a Resolution adopting a City Safety Program. This was unanimously approved.

A motion was made by Councilmember Jernigan, seconded by Councilmember Rheney, to authorize City Administrator Yow to accept a tentative allocation (grant) from the FAA for an Airport Improvement Program in the amount of \$988,202.00. This motion was unanimously approved.

City Attorney Walsh overviewed the Ordinance amending the General Terms and Conditions of the Department of Public Utilities of the City of Orangeburg as adopted by Council on November 6, 2002.

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to approve the Second Reading of an Ordinance amending the General Terms and Conditions of the Department of the Public Utilities of the City of Orangeburg, SC, as adopted by Council on November 6, 2002. This motion was unanimously approved.

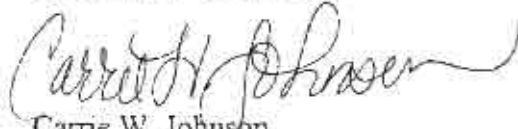
1884

Page 2

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

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson  
City Clerk

/pfb







## Resolution

### Adopting City Safety Program

**WHEREAS,** the City of Orangeburg, South Carolina, realizes that it has the responsibility of providing a safe work environment for its employees and that each employee must pursue the highest standards in his/her assigned activities and that all municipal employees must recognize that their own health and well-being as well as that of their co-workers and the protection of our human resources, are as important as the activity and job being performed; and

**WHEREAS,** the City has established and maintains a Loss Control Management Program and expects its employees to respond to loss control efforts and to perform their assigned job in accordance with all applicable safety rules and regulations; and,

**WHEREAS,** the City has established a Central Safety Committee, chaired by the City Administrator or his/her designee, Department Heads, Insurance Clerk and one employee, (appointed at-large by the Safety Committee, for a one year term) shall be members of the Committee; and,

**WHEREAS,** the Safety Committee shall continuously strive to improve the loss control efforts and operational efficiency of the City by adopting and updating safety rules and policies, safety audits, accident inspections and reviews, counseling employees, indentifying loss trends; and if necessary, recommending disciplinary action for employees disobeying safety rules and/or working in an unsafe manner; and,

**WHEREAS,** each Municipal Department Head and supervisor will be responsible for the safety of employees and protection of human resources in his/her department as well as the necessary repair and maintenance of facilities and equipment in his/her area of responsibility; and,

**WHEREAS,** each municipal employee will be responsible for his/her own personal safety and for the protection of assigned equipment or facilities; and,

**WHEREAS,** the City of Orangeburg, South Carolina, is committed to doing all in its authority and responsibility to ensure its Loss Control Management Program is a success and expects the City Administrator, Department Heads and municipal employees to assist in this endeavor by contributing effort and expertise.

**NOW, THEREFORE, BE IT RESOLVED,** by the Mayor and Members of City Council this seventeenth day of June 2008, in Orangeburg, South Carolina.



ATTEST:

*Carroll Johnson*  
City Clerk

*Sam R. Min*  
Mayor  
*James H. Haire*  
*Donna F. Smith*  
*Julie A. Pohl*  
*Charles B. Bonwell*  
*Paul J. Hargis*  
*James P. Hargis*  
Members of Council



**CITY COUNCIL MINUTES  
SPECIAL MEETING  
June 30, 2008**

Orangeburg City Council held a special meeting on Monday, June 30, 2008, at 12:00 Noon with Mayor Pro Tem Haire presiding.

**PRESENT:**

Bernard Haire, Mayor Pro Tem  
Charles B. Barnwell  
Charles W. Jernigan  
Sandra P. Knotts  
Joyce W. Rheney

**ABSENT:**

Paul A. Miller, Mayor  
Trelvis A. Miller

Public Works Director Bowden presented information to Council on entering into a contract with Plowden Construction Company for the construction of an apron/ramp expansion at the Orangeburg Municipal Airport in the amount of \$893,548.00.

A motion was made by Councilmember Jernigan, seconded by Councilmember Rheney, to approve the authorization to enter into a contract with Plowden Construction Company for the construction of an apron/ramp expansion at the Orangeburg Municipal Airport in the amount of \$893,548.00. This motion was unanimously approved.

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

There being no further business, the meeting was adjourned.

Respectfully submitted,

Carrie W. Johnson  
City Clerk

CWJ/pfb



**CITY COUNCIL MINUTES**  
**July 15, 2008**

Orangeburg City Council held its regularly scheduled meeting on July 15, 2008, at 7:00 P.M., in the City Council Chamber Building with Mayor Miller presiding.

**PRESENT:**

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

**ABSENT:**

Charles Barnwell  
Sandra P. Knotts

A motion was made by Councilmember Jernigan, seconded by Mayor Pro Tem Haire, to approve the June 17, 2008, 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 June 30, 2008, Special City Council Minutes. This was a 3-0-2 vote as Mayor Miller and Councilmember Miller abstained as they were not present at the meeting.

Mr. Gregg Robinson, Executive Director of the Orangeburg County Development Commission updated Council on the activity of the Commission for the prior fiscal year and gave Council an update of the Jafza activity in Orangeburg County. He highlighted that there will be a September trade mission to China and a November economic summit. He stated, "Jafza investors will unveil their plans and the impact expected on Orangeburg during the fall summit."

A motion was made by DPU Manager Fred Boatwright, seconded by Councilmember Haire, to approve the Third Reading of an Ordinance amending the General Terms and Conditions of the Department of Public Utilities of the City of Orangeburg, SC, as adopted by Council on November 6, 2002. This motion was unanimously approved.

Mr. Don Tribble, Director of the Community of Character Program, accepted the Community of Character Trait Proclamation for the month of July 2008, "Kindness".

City Administrator John Yow presented a Resolution authorizing an Agreement and Release of Easement at the Orangeburg Municipal Airport for Ecka Granules. A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Jernigan, to approve the Resolution authorizing an Agreement and Release of Easement at the Orangeburg Municipal Airport for Ecka Granules. This motion was unanimously approved.

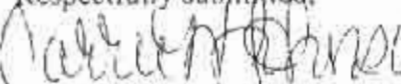
City Administrator Yow presented to Council the City Grievance Committee's appointments to the Committee that have expired and that the individual's have agreed to serve another three (3) year term, if meets Council's approval.

A motion was made by Councilmember Rheney, seconded by Mayor Pro Tem Haire, to approve the reappointment of the following individuals to the City Grievance Committee for another three (3) year term. Duane Tarrant-Finance, Clatus Griddle-Hillcrest, Loretta Davis-DPS(Alternate), Tripp Miller-Finance(Alternate).

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

Mayor Pro Tem Haire gave Council and Staff information involving credit card fraud at gas pumps.

Respectfully submitted,

  
Carrie W. Johnson, City Clerk



STATE OF SOUTH CAROLINA                    )  
  )  
CITY OF ORANGEBURG                        )

RESOLUTION NO. \_\_\_\_\_

## RESOLUTION AUTHORIZING AN AGREEMENT AND RELEASE

WHEREAS, the County of Orangeburg, South Carolina (the "County") has executed and filed in the R.M.C. Office of Orangeburg County, South Carolina, in Deed Book 502 at Page 567, an Aerial Easement applicable to, among others, the Orangeburg Industrial Park (the "Easement"); and

WHEREAS, the City of Orangeburg, South Carolina (the “City”) owns and operates an airport in the County (the “Airport”) and the County granted the Easement to the City in connection with the construction of the Airport by the City; and

WHEREAS, the Airport is located adjacent to the Orangeburg Industrial Park; and

WHEREAS, Ecka Granules of America, LLC (“EGA”) is located in the Park on the property described on Exhibit A (the “EGA Property”) and plans to expand its manufacturing facility by constructing and operating additional facilities (the “Project”) at the Park on the real estate described on Exhibit B attached hereto (the “Adjacent Property”), if certain conditions can be met by the City; and

WHEREAS, the Easement is, as a result of the final location of the runway of the Airport, no longer necessary as written and the City is authorized to approve any waiver of the Easement to EGA so it can proceed with the Project; and

WHEREAS, EGA, as a condition of proceeding with development of its Project, requires that the City waive the Easement with respect to the EGA Property and the Adjacent Property (collectively, the "Property"); and

WHEREAS, the Project will not violate the currently applicable Federal Aviation Administration (“FAA”) height restrictions as determined by the City based upon the information provided by EGA.

NOW, THEREFORE, be it resolved by the City of Orangeburg, South Carolina, as follows:

1. Pursuant to the authority granted in the Easement, the City hereby releases the Property from the height restrictions contained in the Easement, provided, however, that the maximum height of any structure, tree or other object on the Property shall not exceed 100 feet or 296 feet above mean sea level AMSL, whichever is lowest. This release shall run with the Property and be to the benefit of any successor in interest in the Property.
2. The Agreement and Release in substantially the form attached hereto is hereby approved and John H. Yow, City Administrator is hereby authorized to execute and deliver the Agreement and Release and any other agreements and documents as may be required or appropriate in order to carry out, give effect to, and consummate the transactions and matters contemplated by this Resolution and the Agreement and Release.
3. All orders, resolutions, and parts thereof, in conflict herewith are, to the extent of the conflict, hereby repealed or modified.

DONE AND RATIFIED BY THE CITY OF ORANGEBURG, STATE OF SOUTH  
CAROLINA THIS 5<sup>th</sup> DAY OF July, 2008.



Mayor

Paul M. Miller  
Grand Haire  
Paul M. Miller  
Paul M. Miller  
James W. Blaney

Members of Council

ATTEST

Carrie H. Johnson  
City Clerk



**MINUTES**  
**City Council Budget Workshop**  
**July 22, 2008**

Orangeburg City Council held a Budget Workshop Meeting on Monday, July 22, 2008 at 5:30 P.M., in the City Council Building.

**PRESENT:**

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

**ABSENT:**

Trelvis A. Miller

City Administrator Yow overviewed for Council the Fiscal Year projections for FY 2007-08. He stated that we would be using fund balance monies this fiscal year. It was budgeted at \$380,000 and year end projections are \$241,156.00. He went over the decline in some revenues, i.e., investment interest, having to refund taxes due to a reduced state assessment of a manufacturer which impacts the current and future budgets and that June, 2008 was the worst medical claims month the City has had. He stated that the City had to make a payment to SC Local Government Assurance Group for \$235,000.00 in July to cover claim costs. We also exhausted a starting reserve balance in medical insurance of approximately \$250,000 in the last plan year. He went over the revenues and expenditures projections to conclude this budgeting year.

Mayor Miller stated with all the projects and advancements the City has made in the past year that if we had to spend some of the fund balance that was fine.

Mayor Pro Tem Haire asked where the City's fund balance was being invested. City Administrator Yow stated it is invested in the State Investment Pool. It is safe and flexible in that we can deposit, withdraw or transfer large amounts as necessary.

City Administrator Yow overviewed proposed highlights of the FY 2008-09 Budget as follows.

**Total General Fund Budget -- Administrator Recommendations**

**\$16,832,543 Revenues**

**\$17,027,543 Expenses**

**-\$195,000 Difference Proposed DPU Transfer**

### **HIGHLIGHTS OF REVENUES**

Industry Tax Reassessment-\$60,000 less annually causing millage to be flat  
Interest Income <\$165,000  
Business Licenses-Slight Growth  
Proposed 5% Increase in Fire Contracts -- \$40,000  
Proposed \$1.00 Increase Residential Solid Waste--\$52,000 (\$9 to \$10 per month)  
Proposed \$1.10 Increase Per Ton Commercial  
Proposed 3 Mills Increase Property Tax--\$100,000  
Proposed \$5.00 Non-Resident Fee (to \$35.00)--\$4,000  
\$600,000 Cash Reserve—(last year \$380,000)  
\$1.00 per round Cart Fee Increase—\$22,000  
Building Permit Penalties--\$5,000  
Hangar Rentals--\$25,000 increase  
Accommodations/Hospitality Tax Flat  
Proposed DPU Transfer

### **HIGHLIGHTS OF EXPENDITURES**

No new positions—eliminated one at Hillcrest  
2% COLA-\$150,000  
15% Increase in Medical Insurance-\$260,000-(City pays all of employee costs and portion of dependents and retirees, changes to medical plan; no changes to dental)  
2% Merit for some employees--\$40,000  
Associated Payroll Costs \$60,000--Worker's Comp., state retirement, Federal, Social Security  
Normal Capital Items  
10% decrease in office supplies, computer supplies and upgrades  
County increased Solid Waste Fee-\$1.50 per ton  
Moved several items to Hospitality and Accommodations Fund  
Have held or reduced several line items from previous years  
Did not address GASB 45

### **MAJOR EQUIPMENT—5 Year Lease Purchase**

Fire Truck \$350,000  
Fork Lift \$ 58,000  
Garbage Truck \$183,000  
Leaf Vacuum \$36,250  
Total cost \$627,250

### **OTHER—3 Year Lease Purchase**

Assorted vehicles, trucks, cars, mowers, tractors--\$409,084

Total Capital Equipment to be financed --\$1,036,334

Note: County Reassessment Year (Explain impact of possible millage rollback.)

### **MEDICAL DENTAL INSURANCE PROPOSED CHANGES**

Change deductible from \$350 to \$500  
Reduce Generic Co-Pay from \$12.00 to \$7.00; others would remain \$30.00 for preferred and \$60.00 non-preferred  
Eliminate 100 day prescription but add mail-order feature with 90 day supply for 2 co-pays

**Page 3**

City Administrator Yow went into detail on our medical insurance and what changes we would see in FY 2008-09. The proposed rate increase was 15%, the rate for generic prescriptions would be decreased to \$7.00 and the deductible would be increased from \$350.00 to \$500.00.

There was a brief discussion on the Solid Waste Ordinance and the Veteran's Monument.

Everyone was in basic agreement of the Budget. However, Council decided to increase the cost-of-living raise to 3% to help cover the health insurance increases that will be passed on to employees and families. Also, it was decided to adjust the DPU recommended transfer to \$300,000. Lastly, it was decided to implement a 14% increase in health insurance contributions vs. 15%.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson  
City Clerk

CWJ/pfb



## CITY COUNCIL MINUTES

### August 5, 2008

Orangeburg City Council held its regularly scheduled meeting on August 5, 2008, at 7:00 P.M., in the City Council Chamber Building with Mayor Miller presiding.

**PRESENT:**

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

A motion was made by Councilmember Rheney, seconded by Mayor Pro Tem Haire, to approve the July 15, 2008, City Council Minutes as distributed. This was a 5-0-2 vote as Councilmembers Barnwell and Knotts abstained.

A motion was made by Councilmember Jernigan, seconded by Mayor Pro Tem Haire, to approve the July 22, 2008, Budget Workshop Minutes as distributed. This was a 6-0-1 vote as Councilmember Miller abstained.

Mr. Warren Harley, Governmental Affairs Liaison presented Mayor & Council officially with the Municipal Achievement Award for the Regional Forensic Lab for population of cities from 10,000 to 20,000 people. He stated, "It was certainly a creative and innovative project and that is what the achievement award is all about. Cities on the cutting edge of enhancing the quality of life of the people you serve." He presented Mayor and Council with a plaque and the award.

Mr. Don Tribble and Reverend Nate McMillan accepted the Character Trait Proclamation for August 2008, "Self-Respect".

City Administrator Yow presented the Ordinance amending the City Budget for FY 2007-08. He overviewed the revenue and expense projections for Mayor and Council. He thanked staff for their assistance and experience. He stated, "The General Fund total is \$16,439,721 and we are projecting using \$241,000 of the cash reserve. We budgeted \$380,000, but we are projecting to use less than that. As you know from our audit, we are in good shape. When you look at the Airport, we do show grant monies in the Airport numbers for revenues and expenses. We began showing grant monies as fund revenues when we built Runway 17/35. The Pro Shop had a gross profit of \$70,843 and it is transferred to the Golf Course Fund to help offset the cost in operating the golf course. The number I will bring your attention to is the net difference in the golf course. We are projecting a loss of \$22,499 after depreciation, which means if those numbers hold true the General Fund will have to supplement the golf course. The Two-Percent (2%) Fund is in good shape and we do a lot of capital projects and it continues to grow. We always budget a fund balance but try not to spend it. I would like to say that there are reasons why we are having to budget fund balance. We have had some big expenditures this year. First of all, June of this year was the worst month we have had in medical claims and I don't have to tell you about the gas increases, which will be continually reflected in next year's budget. There is nothing we can do to control the fuel prices, but we have taken measures to make sure all our Departments are being responsible."



**Page 2**

Mayor Miller thanked the City Administrator Yow and his staff for their work.

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

City Administrator Yow overviewed Council on the budget for next Fiscal Year, 2008-09. He stated "The General Fund total is \$17,132,543 and, of course, this is a balanced budget. I know you have adopted the minutes that pertained to those items. For the record, I would like to highlight those items. There are a couple of things that have hit us hard on the expense side, those being fuel, insurance increases, and workers' compensation. There were some issues that affected our revenues. There was a state tax industrial property reassessment that affected our tax revenues, which resulted in the City realizing \$60,000 less in property tax revenue. It made our millage flat. Interest income is decreasing due to decreased interest rates and in years past this has been one of our major revenues, which overall decreased about \$170,000, which is about 5 mills in taxes. An area with slight growth is business licenses. Some of the things discussed at the budget workshops were 5% increase in fire contracts to assist with manpower and fuel costs, a \$1.00 increase in residential solid waste from \$9.00 per month to \$10.00 per month. The County has notified us that the tipping fee for us will increase by \$1.50 per ton and that increase will be added to our budget. There is a proposed three(3) mil property tax increase, which will mean about \$100,000 where our millage will go from 85 mills to 88 mills. We are looking to budget \$600,000 in cash reserve to balance the budget. We have budgeted \$550,000 in the past and I do anticipate that we will have to use some of that. I don't think we are not going to be able to budget that much and not use some of it. Some of the Enterprise Fund increases are \$1.00 per round increase in cart rentals to help offset a new fleet of golf carts and to service the debt on the new fleet, which is about \$22,000 per year. The hangar rentals at the Airport, due to the new hangars recently built, should project about \$25,000 increase in income. There is no business license increase at this time. Council discussed this but decided at this time, there would be no increase. The DPU Transfer will be increased by \$300,000.00.

There are no new positions in the budget. There has been one position cut at Hillcrest. There is a 3% cost-of-living for employees. We did discuss 2%, but due to the health insurance increase that is being passed on to our employees, Council decided to increase the cost-of-living to 3%. The big number is the increase in medical insurance, which is 14% and is solely based on the amount of claims. The City pays all of the employee cost and a portion of dependents and retirees. There is a 2% merit increase built in for some employees and a 1% merit for others. The normal capital items in the budget are a fire truck, which is about \$350,000, a commercial garbage truck, forklift, vehicles, leaf vacuum, trucks, mowers and tractors. We have to replace some of those every year as well as dumpsters and roll out containers. We went into some of the line items such as office supplies and computer supplies and cut them by 10%.

One of the things we did not address in this year's budget is Governmental Accounting Standards Board (GASB-45). We follow all the other standards. Governmental agencies are going to have to fund post employment benefits. We pay on an annual basis now and we will have to start pre-funding for employee's retirement. I have spoken with other entities around the state that have addressed this. I have told Council that we have to reevaluate our health insurance plan, but there is nothing in the budget this year for GASB-45.

It is a County reassessment year. We are using \$34,000 for a mil and once the County completes the reassessment and we get new numbers for millage, we will come back to you to possibly roll back the millage."

Page 3

Mayor Miller thanked Council for bringing in the budget to not cut services that we have been providing.

Councilmember Barnwell stated, "Everyone hates to see a tax increase especially with the economy. We went up the amount allowed by the State. We could have done like the County and the school districts and tacked on additional millage on debt but we opted not to go that route. I don't think it is appropriate and I think the State Legislature is going to close that gap."

City Administrator Yow replied, "I won't comment on what other entities are doing. If we don't raise taxes by the state formula we could get behind and find ourselves in a deficit situation."

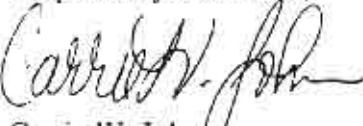
A motion was made by Councilmember Barnwell, seconded by Councilmember Rheney, to approve the First Reading of an Ordinance to raise revenue and adopt a Budget for the City of Orangeburg, SC, for the fiscal Year beginning October 1, 2008 and ending September 30, 2009. This was a 6-1 vote as Councilmember Miller opposed.

There were no utility matters brought before Council.

A motion was made by Councilmember Barnwell, seconded by Councilmember Rheney, to enter into an Executive Session for a legal matter concerning discussion of the Zoning Ordinance, discussion on the purchase of real property on Russell Street and personnel matters concerning the City Administrator, DPU Manager, City Attorney and City Judge positions.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson  
City Clerk

CWJ/pfb



**CITY COUNCIL MINUTES**  
**SPECIAL SESSION - AUGUST 12, 2008**

1893

Orangeburg City Council held a Special Session Meeting on Tuesday, August 12, 2008, at 5:30 P.M. in the Assembly Room of the Department of Public Utilities, 1016 Russell Street with Mayor Paul A. Miller presiding. Michael G. Sells gave an invocation.

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

ABSENT: Sandra P. Knotts  
Trelvis A. Miller, Sr.

Mayor Miller opened the meeting by thanking everyone for attending the Special Session of City Council. A special welcome and introduction was extended to Cheryl Washington, DPU's new Human Resources Supervisor and Connie Cauthen, DPU's new Insurance Clerk.

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

**Summary of Budget Presentation &  
Proposed Electric & Water Rate Changes**

**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 2008-2009 budget including the adoption of new electric and water rates. He expressed he was happy to have the opportunity to present the overall proposed budget for the City of Orangeburg, Department of Public Utilities.

**Electric Division** – The Electric Division anticipates an approximate 7% increase in sales mainly due to increases in fuel costs (natural gas and coal costs have escalated significantly). Fuel costs incurred from our supplier are a direct pass through to the Department's customers, therefore, the net effect is zero. We anticipate only a 1% growth in Kwh sales. Also presented to Council were three new additional options for decorative outside lighting.

**Gas Division** – The Gas Division is anticipating a negative growth in natural gas sales primarily because of skyrocketing prices and because of losing some of its previously resale customers to "transportation only customers". The Department is also anticipating the cost of natural gas will continue to be even more volatile. All gas requirements are now purchased off the open market. The Department has achieved substantial saving for our customers by diligent purchase and load control measures. The Gas Division recently launched an aggressive Natural Gas Marketing Program and the Department is already seeing positive results.

**Water Division** – The cost of operating and maintaining DPU's water system continues to rise. The Water Division is experiencing only moderate growth (1%) and anticipates this trend to continue. The rapidly increasing costs are primarily due to increases in fuel and metal costs, depreciation costs and significant and costly regulatory changes.

**Wastewater Division** – The Wastewater Division is experiencing modest growth. It is continuing to act as the County's contractor for certain one-percent (1%) sales tax water and wastewater projects which are adjacent to our existing distribution and collection systems. Our agreement with the County is that we will act as their 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. The Department feels 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.

**Proposed Electric and Water Changes**

1834

**Proposed Electric Rate Changes** – The Electric Division’s current electric supply contract with SCE&G expires at the end of April 2009. DPU has in place a new purchase agreement with Duke Energy. Included in this budget ordinance is a request for changes in industrial electric rates. These changes, which will affect industrial customer only, are being made to reflect changes with the Department’s new electric purchase contract. The new proposed rates will not go into effect until January 1, 2009, but the DPU is contractually obligated to give its NMST customers advance notice of rate changes. No other electric rates will change at this time.

**Proposed Water Rate Changes** – A review of the statistics in the Water Division clearly indicates that the “net profit” of DPU’s water business has been in a steady decline for a number of years and has reached the point that the Department needs to again raise the rates to all its water customers. The Department is proposing a 10% across the board water rate increase for customers inside the city and an increase for customers outside the city to make the outside rates exactly twice the inside rates.

- There are several reasons why the Department needs to increase water rates:
- The earnings in the Water Division have fallen to a level which requires that we raise the rates in order to meet our obligations
  - Debt service on the loan for the water plant expansion is approximately \$390,000 per year. This a new expense which along will put the Water Division operating in red if we don’t increase the rates.
  - The depreciation on the Water Plant amounts to about \$250,000 per year
  - The cost of producing and delivering the service continues to increase at a rate that we cannot offset by growth alone. Much of this is mandated by increased regulations from the State and Federal governments.

Manager Boatwright stated the 5.5% increase in 2006 helped, but as predicted did not produce enough revenue to offset the costs, but was a necessary first step. The idea is to implement several small steps rather than one large one to propose water rate increases. The proposed 10% increase will raise the average inside the city residential customer’s bill by 96-cents per month (based on 6,000 gallon consumption).

Manager Boatwright informed Council that even with the rate increase, the water rates offered by the City of Orangeburg to its customers will still remain the lowest in the State (inside the City rates). Council was provided a survey showing DPU Water Rates are the cheapest in the State).

In addition, the Department is proposing the fire protection rates be restructured to insure compliance with the new state law which was passed at the end of the last legislative session regarding fire sprinkler systems.

\*\*\*\*\*

Manager Boatwright stated spending on capital projects in Fiscal year 2008-2009 would be very minimal compared to previous years. There is one (1) new capital project anticipated for the Administrative, Gas Water and Wastewater Divisions and there is one (1) carry-over capital project for the Electric Division from the previous year.

The meeting was then turned over to the Director of each Division to give a brief summary of each Division’s projects.

Administrative Division.....	Michael G. Sells, Director
Electric Division.....	John B. Bagwell, Director – Absent
	Fred H. Boatwright, Manager
Gas Division .....	O. Thomas Miller, Director
Water Division.....	D. Eric Odom, Director
Wastewater Division .....	Richard M. Labrador, Director



## **ADMINISTRATION DIVISION PROJECT**

### **Project #1 - Administrative Improvements – Security / Communication**

1895

Total Project Cost:	\$ 260,000
Expenditures to Date:	\$ 0
Estimated 2008-2009 Cost:	\$ 260,000

The purpose of this three (3) part project is to improve the Department's existing telephone system for enhanced customer service and redundant protection, to upgrade the Department's surveillance systems for increased security, and to automate communication between the office and field workers for a reduction of the dispatching load.

## **ELECTRIC DIVISION PROJECTS**

### **Project #1 - Diesel Peak Shaving Power Plant – Modifications**

Total Project Cost:	\$1,150,000
Expenditures to Date:	\$ 5,000
Estimated 2008-2009 Cost:	\$1,145,000

Continuation of an approved/ongoing project. 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 served the Department well. 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.

Councilmember Jernigan asked if the generator can be started from the SCADA Room.

Manager Boatwright replied: Yes, the dispatcher can start the large generator from the SCADA Room, but we also dispatch an operator to physically go to the generator site and monitor it while in operation.

## **GAS DIVISION PROJECTS**

### **Project #1 - Natural Gas Service – Big Buck Boulevard**

Total Project Cost:	\$ 610,000
Expenditures to Date:	\$ 0
Estimated 2008-2009 Cost:	\$ 610,000

The purpose of this project is to provide natural gas service to the Big Buck Boulevard area by installing 15,200 feet of 6-inch high-pressure natural gas main on Big Buck Boulevard to the intersection of One Oak Lane. Presently, there is no natural gas service in the back portion of the Orangeburg County/City Industrial Park. Gas service ends at the intersection of Millennium Drive and Global Drive. Completion of this project will provide gas service to the back portion of the Industrial Park, provide gas service to the proposed industrial site across Big Buck Boulevard and provide gas service down Big Buck Boulevard to a large poultry facility. This type of poultry operation requires large volumes of gas to keep the chickens warm. Presently, this facility uses propane. Construction of this pipeline will allow DPU to serve this customer.

Councilmember Haire asked if we can anticipate natural gas prices coming down similar to the price of oil.

Gas Director Miller replied: The natural gas market has been mirroring the oil market. Last month DPU paid \$13.50 per dekatherm and this month we are seeing gas trade at \$8.50 per dekatherm.

## **WATER DIVISION PROJECTS**

### **Project #1 - 12-Inch Water Main Extension Along Highway 400**

Total Project Cost:	\$1,678,750
Expenditures to Date:	\$ 0
Estimated 2008-2009 Cost:	\$1,678,750

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.

Councilmember Rheney said she passed by Hillcrest on the St. Matthews Road and noticed work going on at the Hillcrest Water Tank, were we painting the tank?

153 Water Division Director Odom replied: Yes, this was a project in last year's budget. The tank will be painted white like the other tanks and will have "Hillcrest" painted on it in green and the rose repainted.

Mayor Pro Tem Haire asked why are we keeping the old PVC line in service and what will be the return and when will the project pay for itself.

Water Division Director Odom replied: The existing 10-inch PVC water main that is close to reaching its design life will serve as a back-up to new 12-inch water main while at the same time providing much needed additional finished water capacity to the Bolentown Tank.

Councilmember Haire asked if a cost analysis had been performed to determine the pay back on the proposed new 12-inch line.

Manager Boatwright answered: "No, but that in order to provide continuing service for the growth in the area including the two wholesale customers that this upgrade must be accomplished as soon as possible."

### **WASTEWATER DIVISION PROJECTS**

#### **Project #1 - 14-inch Force Main – Riverside Pump Station**

Project Cost:	\$1,171,000
Expenditures to Date:	\$ 0
Estimated 2008-2009 Cost:	\$1,171,000

The purpose of this project is to provide expanded sewer service to several new and proposed developments in the Riverside drainage basin. There is significant potential for growth of the wastewater system in the Riverside drainage basin with several recent and possible areas targeted for annexation and the new proposed recreation complex.

Councilmember Haire asked if the reason we are putting this project on the fast track is because of the City's push for annexation.

Wastewater Director Labrador replied: the existing pump station is at its maximum capacity. This line will upgrade the present pumping capacity from 600 gallons per minute to 1,000 gallons per minute.

Fred Boatwright added this upgrade is because of growth and annexation. This pump station serves a large area from St. Matthews Road to the River.

Councilmember Haire commented that he hoped that similar accommodations would be made for proposed annexations in other areas adjacent to the City and that he hoped that costs for proposed annexation would be considered by Council before decisions were made.

Manager Boatwright commented that DPU has in the last two budget requests added wastewater capacity by constructing gravity sewers in the Whitford Stage Creek area which will provide for service in potential areas which might be considered for annexation in those areas in conjunction with County "penny projects".

### **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, 2008 through September 30, 2009 Including the Adoption of New Rates for the Department of Public Utilities for the City of Orangeburg Effective on the Dates Indicated on the Rate Schedule Pertaining to Electricity and Water.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Jernigan, to accept the First Reading of an Ordinance to Adopt the 2008-2009 Annual Budget for the Department of Public Utilities Including the Adoption of New Rates for the Department of Public Utilities for the City of Orangeburg Effective on the Dates

Indicated on the Rate Schedule Pertaining to Electricity and Water. This motion was unanimously approved.

1897

Councilmember Barnwell asked if Council needed to discuss the new sprinkler law passed by the Legislature this past session.

Manager Boatwright answered that since he had initially talked to Mr. Barnwell about the new law he had learned that the tax exemption portion was optional for Cities, and that DPU was preparing to implement the cost accounting measures required relating to fire tap fees and charges. (Council was provided a copy of Legislative Bill 4470).

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

There being no further business, the meeting was adjourned.

Respectfully submitted,



Becky A. Austin  
Secretary to Manager  
Department of Public Utilities

**City Council Minutes**  
**August 19, 2008**

Orangeburg City Council held two Public Hearings on Tuesday, August 19, 2008, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. The purpose of the Public Hearing were as follows:

- (1) To raise revenue and adopt a Budget for the City of Orangeburg, SC, for Fiscal Year beginning October 1, 2008 and ending September 30, 2009
- (2) To adopt a Budget for the operation of the Department of Public Utilities for Fiscal Year beginning October 1, 2008 and ending September 30, 2009, including the adoption of proposed electric and water rates for the Department of Public Utilities effective October 1, 2008

On Public Hearing #1, City Administrator Yow addressed Council. He advised Council that this was a balanced budget of the General Fund of \$17,132,543 and that there was an increase in millage from 85 to 88 mils. He officially entered into the minutes the Budget Highlights for the Fiscal Year 2008-09.

<b><u>Total General Fund Budget</u></b>	<b>\$17,132,543 Revenues</b>
	<b>\$17,132,543 Expenses</b>

**HIGHLIGHTS OF REVENUES**

Property Tax Reassessments--\$60,000 less annually  
Interest Income <\$165,000  
Business Licenses-Slight Growth  
Proposed 5% Increase in Fire Contracts -- \$40,000  
Proposed\$1.00 Increase Residential Solid Waste--\$52,000 (\$9 to \$10 per month)  
Proposed \$1.50 Increase Per Ton Commercial Solid Waste  
Proposed 3 Mils Increase Property Tax--\$100,000—85 to 88 mils  
Proposed \$5.00 Non-Resident Fee (to \$35.00)--\$4,000  
\$600,000 Cash Reserve—(last year \$380,000)  
\$1.00 per round Cart Fee Increase—\$22,000  
Building Permit Penalties--\$5,000  
Hangar Rentals--\$25,000 Increase  
Accommodations/Hospitality Tax Flat  
DPU Transfer increase of \$300,000  
No Business License Rate Increase

**HIGHLIGHTS OF EXPENDITURES**

No new positions—cut one at Hillcrest  
3% COLA-\$225,000  
14% Increase in Medical Insurance-\$243,000-(City pays all of employee costs and portion of dependents and retirees, changes to medical plan; no changes to dental)  
2% Merit for some employees--\$40,000-\$50,000  
Associated Payroll Costs \$60,000--Worker’s Comp., state retirement, Federal, Social Security  
Normal Capital Items (detailed next page)  
10% decrease in office supplies, computer supplies and upgrades



**Page 2**

County increased Solid Waste Fee--\$1.50 per ton  
 Moved several items to Hospitality Accommodations Fund  
 Have held or reduced several line items from previous years  
 Not addressed GASB 45

**MAJOR EQUIPMENT—5 Year Lease Purchase**

Fire Truck \$350,000  
 Fork Lift \$ 58,000  
 Garbage Truck \$183,000  
 Leaf Vacuum \$36,250  
 Total cost \$627,250

**OTHER—3 Year Lease Purchase**

Assorted vehicles, trucks, mowers, tractors--\$409,084  
 Total Capital Equipment to be financed --\$1,036,334

\*Note: County Reassessment Year--\$34,000 per mil currently

**MEDICAL DENTAL INSURANCE PROPOSED CHANGES**

Change deductible from \$350 to \$500—Has been at \$350 deductible for seven (7) years  
 Reduce RX generic co-pay from \$12.00 to \$7.00; other co-pay would remain \$30.00 for preferred and \$60.00 non-preferred. Eliminate 100 day prescription but add mail-order feature with 90 day supply for 2 co-pays

Hearing no comments, Public Hearing #1 was closed.

On Public Hearing #2, DPU Manager Boatwright addressed Council concerning the Budget for FY 2008-09 for DPU. He stated, "The total amount of revenues projected for next fiscal year is \$102,485,721. This includes a rate increase for water of 10% inside the City and double the increase outside the City. There are also changes in the electric rates and industrial rates, but no changes in the residential rates. I would like to offer the minutes as an official record from our Budget Hearings."

Hearing no comments on Public Hearing #2, the Public Hearing was closed.

Council entered into the regularly scheduled meeting.

**PRESENT:**

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

**ABSENT:**

**Sandra P. Knotts**

Mayor Miller and DPU Manager Boatwright recognized Pat Thomas, Human Resources Director at DPU upon her leaving DPU after fourteen (14) years of service.

A motion was made by Councilmember Jernigan, seconded by Councilmember Barnwell, to approve the August 5, 2008, City Council Minutes as distributed. This motion was unanimously approved.

**Page 3**

A motion was made by Councilmember Rheney, seconded by Councilmember Jernigan, to approve the August 12, 2008, Special City Council Minutes as distributed. This was a 5-0-1 vote as Councilmember Miller abstained.

Mayor Miller presented Miss Eden Graves, Orangeburg Idol 2008 with a Proclamation proclaiming August 19, 2008, as "Eden Graves Day" in the City of Orangeburg.

Department of Public Safety Director Davis, Mr. Don Tribble, Community of Character Director and Dr. Martha Jean Adams-Heggins gave Council a presentation on Project 20/20 and the Gang Intervention Project. They overviewed the goals and objectives and the organizational structure and the involvement concerning deterring gangs in the greater Orangeburg area.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Jernigan, to approve the Second Reading of an Ordinance to raise revenue and adopt a Budget for the City of Orangeburg, SC, for fiscal year beginning October 1, 2008 and ending September 30, 2009. This was a 5-1 vote as Councilmember Miller opposed.

A motion was made by Councilmember Rheney, seconded by Mayor Pro Tem Haire, to adopt a Budget for the operation of the Department of Public Utilities for Fiscal Year beginning October 1, 2008 and ending September 30, 2009, including the adoption of proposed electric and water rates for the Department of Public Utilities effective October 1, 2008. This was a 5-1 vote as Councilmember Miller opposed.

A motion was made by Councilmember Barnwell, seconded by Councilmember Rheney, to reappoint Lee Harter and Randy Shuler for another three year term on the Hillcrest Commission. Their terms will expire July 2011. This motion was unanimously approved.

Parks and Recreation Director Smith addressed Council on the grant request through P.A.R.D. for \$15,000.00 for renovation of Summers Memorial Park on Summers Avenue. He stated, "This would include renovations to bridges, refurbishing of the trails, adding benches and trash cans and hoping to place some exercise equipment along the trails. The City's match is 20% or \$3,750.00." He requested approval of the grant for City Administrator Yow to sign and accept.

Mayor Pro Tem Haire asked, "What is the maximum amount for this grant?"

Parks and Recreation Director Smith stated, "It varies by County. Each Legislative Delegation has their own guidelines and approved amounts. At one time, the cap was \$3,500.00 from our local Delegation."

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to approve the P.A.R.D. Grant for \$15,000.00 for renovation of Summers Memorial Park on Summers Avenue with the City match of 20%, which is \$3,750.00. This motion was unanimously approved.

In reference to Item #9 on the Agenda, City Administrator Yow addressed Council in regards to the location of the Veteran's Monument. He stated, "Money was allocated in the 1% Capital Project Tax Fund approved by referendum. We have discussed numerous locations in and around downtown and in the Edisto Memorial Gardens. We have looked at several sites, some of them City owned and others the City did not own. The site I decided to discuss with you tonight, to get approval, so we can move forward on this is on Riverside between US Highway 301 and Russell Street across the street from the Chamber of Commerce. If you come out the driveway of the Chamber of Commerce, it is the grass lot across from them with hardwoods and a bank behind it that the City currently owns. We have done a limited study on this site, but need further studies such as soil borings and drainage studies and other things. This is a real nice site and we would like to move forward with consultant work for final determination on this site."

**Page 4**

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to move forward with the consultant work and design work for final determination on this site for the Veterans' Monument. This motion was unanimously approved.

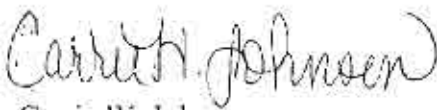
Mayor Miller stated, "A lot of work has gone into this. I think those in the audience will be pleased with this location. Thanks for your patience."

Councilmember Barnwell stated, "This is a monument for all wars."

Other than the DPU Budget Ordinance approved for Second Reading earlier in the minutes, there were no other Department of Public Utilities matters brought before Council.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson  
City Clerk

CWJ/pfb



## CITY COUNCIL MINUTES September 2, 2008

Orangeburg City Council held its regularly scheduled meeting in the City Council Building on Tuesday, September 2, 2008, at 7:00 P.M., with Mayor Miller presiding.

### PRESENT:

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

### ABSENT:

**Sandra P. Knotts**

A motion was made by Councilmember Rheney, seconded by Councilmember Barnwell, to approve the August 19, 2008, City Council Minutes as distributed. This motion was unanimously approved.

Mr. Jeffrey McMorro addressed Council. He stated that since his last visit to Council, he suggested the number of dogs in a household should be limited to three (3). He stated, "I have reviewed the City Ordinance and do believe that such as Ordinance exists." He cited many articles in the City Code of Ordinances that relates to animals or harboring animals in the city limits. He stated, "My neighbor admitted under oath that he had nine (9) dogs, where he is permitted to have only three (3). I have discussed this with the City Administrator, Building Official and the Director of Public Works, but they advised Mr. Nelson, Building Official, to stand down." He read from the Police Ordinances as well in accordance to disorderly or boisterous conduct. He stated that one of his neighbors breeds dogs and is in violation of the A-2 residential district restrictions. He stated, "I have been told no arrests will be made. It is sad we have to put up with this each day. It seems no one hears them but us. We have tried to resolve our issues with our neighbors. I know some of you have watched the video of these dogs." Ms. Crucilla Biaggia addressed Council, "The Animal Control Officer knows this is a nuisance house, but does nothing and we feel like nothing has been done."

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, 2007 and ending September 30, 2008. This motion was unanimously approved.

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, 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, 2008 and ending September 30, 2009. This was a 5-1 vote as Councilmember Miller opposed.

Mayor Miller presented to Don Tribble, Executive Director of the Community of Character, the Character Trait Proclamation for the month of September 2008, "Compassion".



Page 2

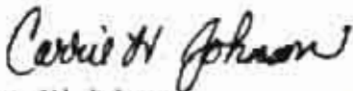
A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the Third Reading of an Ordinance to adopt a Budget for the operation of the Department of Public Utilities for the Fiscal Year beginning October 1, 2008 and ending September 30, 2009, including the adoption of proposed electric and water rates for the Department of Public Utilities effective October 1, 2008. This was a 5-1 vote as Councilmember Miller opposed.

Mayor Pro Tem Haire asked for information as it relates to the hurricane and preparation. City Administrator Yow and DPU Manager, Boatwright updated Council on the City's and DPU's preparations for potentially approaching storm, Hanna.

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to approve entering into an Executive Session for a contractual matter concerning the Chamber of Commerce and a proposed location of student housing business and convention center. This motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson  
City Clerk

CW/pfb



## CITY COUNCIL MINUTES

### September 16, 2008

Orangeburg City Council held its regularly scheduled meeting in the City Council Building on Tuesday, September 16, 2008, at 7:00 P.M., 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**

A motion was made by Councilmember Rheney, seconded by Councilmember Barnwell, to approve the September 2, 2008, City Council Minutes as distributed. This was a 5-0-1 vote with Councilmember Knotts abstaining as she was not present at the last meeting.

Mayor Miller stated that Buster Smith, Parks and Recreation Department Director, asked him to announce that on Thursday, September 18<sup>th</sup> at 2:00 P.M., in the Rose Garden, The South Carolina Garden Club and the City are going to have a program on the Noisette Rose. Members of the family and descendents of the family will be there. The Garden Club of South Carolina is having a convention in Orangeburg on Thursday.

Mayor Miller stated the week, September 15-20, 2008, is Industry Appreciation Week and read a Proclamation proclaiming Industry Appreciation week. He instructed City Administrator Yow to deliver the Proclamation to the Economic Development Office.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve a Resolution authorizing the extension of the maturity date of the mortgage of two and sixty-nine hundredths (2.69) acres with a building and other improvements thereon, to South Carolina Bank and Trust in the principal sum of five hundred thousand (\$500,000) dollars and recorded in the Office of the Register of Deeds for the County of Orangeburg, State of South Carolina in mortgage book 1551 at page 293. City Administrator Yow stated it was a partnership with the Chamber, the City, DPU and Orangeburg County when built. The City is the real property owner and the extension is for six (6) months. This motion was unanimously approved.

City Administrator Yow discussed the grant for "Criminal Domestic Violence Investigator" in the amount of \$44,750 and the City's share is \$14,917. Councilmember Barnwell asked, "Is the grant amount of \$44,750 just for salary." City Administrator Yow stated that it was for salary, benefits, travel, training and supplies. This motion was unanimously approved.

A motion was made by Councilmember Miller, seconded by Barnwell, to appoint Ms. Betty Strong of Maxcy Street to the Board of Zoning and Appeals, for District #5, to fill an unexpired term, which expires January 2010. This motion was unanimously approved.

City Administrator Yow stated that two new Boards will be created under the new Zoning Ordinance in the near future.

City Administrator Yow gave an update on the report from SCDOT concerning Chestnut and Columbia Road intersection. Councilmember Rheney stated that she hoped they would look at the real speed limit at this intersection. City Administrator Yow stated that there had been fifty-six (56) accidents from September 2007 through August 2008. SCDOT has added an additional traffic signal in each direction and improved the left turning signal and realigned the traffic signal and the signal timing on Chestnut has been adjusted as well." Councilmember Barnwell asked, "Have the changes increased or decreased the speed there." City Administrator Yow stated, "I hope we don't see more people trying to beat the red signal since the timing has been changed." Councilmember Barnwell discussed his concerns having three private drives within

**Page 2**

fifty-yards of the stop light, referring to KFC and Shoney's. City Administrator Yow stated it was within the jurisdiction of SCDOT to determine the allowance of drive ways and DPS will be monitoring the speed.


Mayor Miller asked Chief Wendell Davis, Community of Character Chairman of the Board, to give an update on what the Board has been doing. Chief Davis stated, We have been to Abbeville to introduce the program to them and they seemed to be interested in starting one." Mayor Miller stated that the Community of Character does make a difference.

There were no utility matters brought before Council.

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

/ptb



## City Council Minutes October 7, 2008

Orangeburg City Council held a Public Hearing on Tuesday, October 7, 2008, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. The purpose of the Public Hearing was for consideration of a petition for annexation of property through the seventy-five (75%) petition method.

Students from a reporting class at Claflin University were recognized.

Mayor Miller opened the Public Hearing for comments.

Assistant City Administrator Kevin Bronson addressed Council. He stated, "I am going to provide a power point presentation and maps so everyone will know what properties we are talking about. This annexation has been assembled under the 75% petition method under Section 5-3-150(1) of the SC Code of Laws and states that if 75% of the property owners own 75% of the assessed value, then we can annex the entire section. The 75% thresholds have been met as 79% of the property owners have signed the petition comprising 85.8% of the assessed value. The total assessed value is \$197,768 and there are forty-three (43) property owners on record. Each property owner that has signed the petition has requested specific zoning. If a property owner does not sign the petition, then the property will be annexed as Single-Family, A-1. The Planning Commission conducted a Public Hearing on September 29<sup>th</sup> and they recommended to Council that this annexation be granted and all parcels be zoned Single-Family A-1. This is the north part of town along the Columbia Road corridor."

He further outlined the revenues and expenditures for the annexation. The revenue reductions would total \$15,729. The revenue increases would total \$38,004 and estimated infrastructure costs would be \$80,908, which is for street lights, fire hydrants and sewers.

Assistant City Administrator Bronson stated, "This property consists of 61.12 acres, four (4) parcels comprise 13.94 acres that are tax exempt and there are nine (9) vacant parcels totaling 20.54 acres. There are about 115 people living in 33 residential units, Multi-Family units or nursing facility."

Maps were discussed in detail as to zoning and parcels indicated.

Mayor Pro Tem Haire asked about the gravity sewers and their cost?

Department of Public Utilities Director Boatwright stated, "It would be up to the owner to tie into the sewer lines and apply for the tap per their request."

Councilmember Jernigan asked, "How many citizens are in this area?"

Assistant City Administrator Bronson replied, "About 115 citizens."

Mr. Harry Fleming of 1650 Sparkleberry Hill addressed Council. He stated, "I would like the opportunity to address you in regards to the resident side of this annexation. When we bought this property some years ago we understood that this community would remain single family dwellings. This was changed covertly without notifying residents. People were never asked about apartments or gas stations as it relates to the surrounding properties. Reactions to Apartments: The front page of the Times and Democrat from February 18, 2008, shows a problem with trash caused by apartments on Baugh Street. The trashed pond is down stream from the apartments and many of us are down from the

proposed apartments. It was reported at a prior City Council meeting that there was a gas station and convenience store at the intersection of Route 21 and Wingate Street. This is down from the proposed property site. This was closed due to frequent robberies. Now an effort is being made to move this sort of thing in my neighborhood with criminals and hoodlums and perhaps camp on my front lawn to study the station and perhaps properties.

**Traffic Problems:** It was reported at an earlier Council meeting that three private driveways are already facing traffic problems. Route 21 and Chestnut Street is already one of the most dangerous intersections in Orangeburg with fifty-two (52) accidents in a period of one year. Increased population density with apartments and increased traffic with a gas station will only complicate existing properties.

**Value of Property:** I have been told of apartments being built close to my property would decrease the value of my property by tens of thousands of dollars. This has been given to me by someone in the real estate business. We have heard the pain of the developer's side of his investment. No one has addressed the homeowners suffering and the home is probably the largest single investment someone will make in their lifetime. This is being caused by a poor business decision on part of the developer. That happens, but no one has offered to compensate us for our potential losses.

**Impact on Orangeburg:** An editorial in the August 28th Times and Democrat stated, "Orangeburg, A Patchwork of Neglect". The author, William Adair is an Engineer and was raised in Orangeburg, but returns to visit family. He cites problems with high density housing.

**Possible Solutions:** I have submitted two samples of solutions to the City to consider and evaluate being an old town concept with brick sidewalks and gas lights. This could be an added attraction to the rose gardens and this could be used as an alternative to the downgrading of the City. The developer could divert his effort to other commercial sites such as in front of Orangeburg-Calhoun Technical College where there are three properties for sale. The other possibility would be to build houses of equal or greater value in the area in question. The land could be sold to someone else at cost, since a profit has already been made by the selling of the timber. Trees could be planted for harvest at a later date. A friend of mine asked me about the area in question when she noticed the trees had been removed and I explained the situation. She observed that there are several roads radiating from Orangeburg like the spokes of a wheel, but one of those roads was different. One had pleasant homes and communities on either side of the road, churches and an occasional pond and woods. Now all of this is being threatened by the encroachment of commercialism. I respectfully request that the Mayor and City Council reject any request or approval to build any apartments, gas stations or laundry mats on the area detailed on page 8 of the Times and Democrat dated September 24th of this year as there are other solutions to this problem."

Councilmember Barnwell asked, "Are you referring to duplexes or apartments?"

Mr. Fleming replied, "That is a fine question and I am not an authority on that matter. My understanding of what is being planned could reasonably be called apartments."

Jim Meggs, attorney representing Steve & Hema Patel and Courtesy Management addressed Council. He stated, "They own the properties that are subject to some disconcert. The properties owned by clients are not appropriately zoned A-1 Single-Family Residential. We would like the opportunity to work with City Staff, Council and neighbors to develop a plan to truly define a tasteful development for a multi-family variety. We can meet and compromise the idea of a convenience store that had caused some concern among the neighborhood is not cast in stone by any stretch. We would be happy to entertain a neighborhood meeting that would entertain any other kinds of facility needs to bring value to the community. Not all of you are familiar with the Patels and their partners; you know them to be quality developers who have done a lot for the Orangeburg community. Again, it is our contention that A-1 is not appropriate for this territory, or for all the parcels, it is not appropriate due to nature of the existing uses that are going to be overlayed with A-1 zoning of non-conformities. We believe we can find a way to yield value for all concerns in the City and neighborhood and for my clients and we ask for an opportunity for a result."



Councilmember Jernigan asked Mr. Meggs to identify the properties in question. He identified parcels #26, #4, #6 and #7 from the map.

Mrs. Hema Patel addressed Council. She stated, "I want to make one admission. We made one huge mistake and that was not talking to the neighbors then to let them know what we were planning had everyone's interest in mind. Steve and I have lived in that neighborhood for quite some time since 1989. We drive down Longwood every day to our home and we certainly don't want to have anything constructed that will increase crime or decrease the value of our property. We don't want our neighbors to be forced into annexation because this is the choice they have; either get annexed with the City or maybe they don't want to be annexed, but they do because they don't want apartments or a convenience store. I want to make it clear of what kind of development we want to do. We want the same things that everyone in this room wants which is peace of mind at home. We are going to be in that house for a long time. Our goal is to build homes that have character and are LEED certified. We want to be the first multi-development in South Carolina to have LEED certification. We want to build everything green since that is where everything is going and that is LEED certified. Our development is going to have gates and the houses on the side will have tremendous curb appeal. We are not going to build cheap houses because that is not the kind of people we are. We are going to build something that is tasteful and something that is going to bring value to everyone's property and something to bring a buzz to Orangeburg. Our site selection was based on a requirement for certification, as a pre-requisite. It has to be within walking distance to stores and other conveniences. Whatever our goals are for the townhouses are the same for the convenience store. The interior and exterior of the design is the selling point, so we are not going to put something up there that we are not going to get a return on the investment. The units are going to be outstanding. We will do what we need to in order to protect our assets and the assets of the community."

Councilmember Jernigan asked, "How many units are going to be put on the property on Columbia Road?"

Mrs. Patel replied after discussing with her partners, "Eighteen.(18)."

Mayor Miller asked, "You will have twenty-two (22) on parcel #7?"

Mrs. Patel replied, "Yes."

Mayor Miller asked, "What is the acreage on parcel #4, #6, and #7?"

Mr. Meggs replied to Council, "Parcel #4 is 1.31 acres, parcel #6 is 1.16 acres, and parcel #7 is 2.06 acres, totaling about 4.5 acres combined."

Councilmember Barnwell asked, "You are putting forty (40) units on 7.5 acres, selling the ones on Columbia Road and renting the ones on Longwood."

Mrs. Patel replied, "Yes."

Councilmember Miller asked, "What is the rationale behind renting some of the units and selling the others?"

Mrs. Patel replied, "The Columbia Road property backs up to a neighborhood and we wanted to be sensitive to those neighbors, so if we sold those there, then there wouldn't be a change of occupants."

Mayor Miller stated, "On parcels #4 and #6 on 2.4 acres, it looks to me that .13 acres would be for one house. What are the lot sizes or what is going to be the footage of those townhouses?"

Mrs. Patel replied, "One-thousand (1000) square feet for the townhouses and two bedrooms. We don't have the lot sizes because everything is not concrete."

Mayor Miller stated, "I am just trying to envision in my mind the townhouse community and what kinds of houses on the size lots, the square footage and how much you are planning on selling those for?"

Mrs. Patel replied, "One-hundred and ten thousand, (\$110,000), and the rent ranges from \$550.00 to \$800.00, depending on the number of bedrooms."

Mr. Mike Horger addressed Council. He stated, My wife and I own parcels #34 and #36. I am here to speak in favor of the annexation, but I am against the blanket A-1 zoning. What I want to point out is, units 31 through 37 are all in a block west of Harris Street, where a number of duplexes are and have been for a number of years. There is currently a Multi-Family use there. Lot #36 currently does not have a duplex on it. I did put a sewage tap there to construct a duplex. On that block, I provided Assistant City Administrator Bronson some materials last week with restrictive covenants on that block, which is for lots #30-#37. That property in 1977, by restricted covenant, provided for a one two-family residence for not less than 1800 square feet of floor space exclusive of porches, terraces and basements. There is currently this use on that block and even parcel #37 previously owned by Harold Carter. When they constructed on that, they went across a lot line. There is currently a house on one lot and an apartment behind it that crosses a lot line, which is a multi-family use on that parcel. Lot #36 currently does not have a building on it. That is the lot my wife and I own which currently has a sewage tap on it where we have made provisions to build a duplex. I point this out because I think our legislature this year passed a statute, Section 6-29, 1145 that requires a local planning agency to consider the uses of the property and restricted covenants on that property. I think by that State Law, the Planning Commission and Council should consider and are required that the A-1 zoning of that property would be contrary and would conflict with the restricted covenants on that property. My request would be for the A-2 zoning for that property be considered."

Councilmember Miller asked City Attorney Walsh, "Can you translate in laymen's terms?"

City Attorney Walsh replied, "For non-conforming uses, you can't make any additions to the property and if it is over 50% destroyed by fire, you can't rebuild."

Councilmember Barnwell asked, "You plan on building a duplex on your lot?"

Mr. Horger replied, "I did intend, I ran a sewer tap to lot #36."

Councilmember Knotts asked, "On Lot #36, there is no construction at this time?"

Mr. Horger replied, "There is no building there, I have a sewer tap and water tap there. My plan is the same use as the other lots in that block being consistent with the restricted covenants that have been in effect for over thirty years, to build a two-family residence to comply with those restricted covenants."

Councilmember Knotts asked City Attorney Walsh, "If we would allow everything in this area as A-1, except for those lots as A-2 and you would do another duplex, wouldn't that set some kind of precedent?"

City Attorney Walsh replied, "Not if we can distinguish the characteristics of the property that are not similar to other properties."

Councilmember Knotts stated, "Being that everything else around #30-#37, all of those are already being used as A-2, they are in an A-2 district?"

Mr. Abe Salama addressed Council, "I have read about all of this in the newspaper. Multi-family would be contradictory to the neighborhood and single family use should be maintained. I would like to see the City increase their size. Mr. Patel should reconsider selling single housing to be a good neighbor."

Ms. Avis Butler addressed Council. "I am here to speak in favor of the annexation. We put our project together, we were alerted by the County that since the City has run sewer down Longwood, we would be subject to annexation at some time. We planned for that during our development. I must tell you that since we have been annexed, it has worked wonderful. Our site is under construction. I come to ask you to continue to set forth keeping the neighborhood intact with single family uses for new construction."

Hearing no comments, the public hearing was closed.

Council entered into the regularly scheduled meeting.

**PRESENT:**

**Paul A. Miller, Mayor**

**Charles B. Barnwell**

**Bernard Haire**

**Charles W. Jernigan**

**Sandra P. Knotts**

**Trelvis A. Miller**

**Joyce W. Rheney**

A motion was made by Councilmember Rheney, seconded by Councilmember Jernigan, to approve the September 16, 2008, City Council Minutes as distributed. This motion was unanimously approved.

Mr. Don Tribble, Executive Director of the Community of Character, accepted the October 2008 Character Trait Proclamation, "Diligence".

A motion was made by Councilmember Barnwell, seconded by Councilmember Miller, to approve a Resolution for Mr. Howard Duvall, who retired as Executive Director from the Municipal Association of South Carolina.

Assistant City Administrator Bronson stated, "This is the Ordinance that we went through earlier and that the Planning Commission recommended to you. The Planning Commission has made the recommendation to you for A-1. City Council does have the authority to zone parcels within here as you see fit. Per the Orangeburg Ordinance, 24-4.4, if there is a piece of property that the owner did not sign, it will be zoned as A-1 Single-Family. I have given you estimates of what the revenue and expense estimates should be and the infrastructure costs. There are no additional personnel needs to handle this annexation. The area will be proposed to come into Council District #2. There are no other additional expenses anticipated at this time for that area. The residential population is estimated to be 115."

Mayor Pro Tem Haire asked Mr. Bronson, "The parcels located in before #26 and #27, identify that for me."

Assistant City Administrator Bronson replied, "Glenfield Apartments."

Mayor ProTem Haire asked "Did you consider them in this annexation?"

Assistant City Administrator Bronson replied, "Yes, I have been in contact with the owners at Glenfield Apartments, they currently are managed by a large company in New Jersey. They currently have an annexation petition in their possession. They were much later down the road in bringing them along with the annexation than with the rest of the group. I do anticipate that we will have a 100% petition signed in the near future. They have made a verbal commitment. It was considered to be a part of the annexation."

The assessed value is very high on the apartments, but since I did not have a verbal commitment at the time that this annexation was ready, Glenfield was left out of this part of the annexation.”

Mayor Pro Tem Haire asked, “Some time ago you stated that you contacted some persons in the Eastern part of Orangeburg as it relates to annexation. I believe those individuals were located in the Belleville area. Could you explain to me the rationale going that far down where you have other properties contiguous to the Orangeburg area, has there been any kind of effort to talk to those individuals like going down the lower part of Russell Street area close to Bethea’s Funeral Home.”

Assistant City Administrator Bronson replied, “No, not on my part.”

Mayor Pro Tem Haire stated, “There has been no effort made to bring in Clarendon Apartments on Russell Street.”

Assistant City Administrator Bronson replied, “As Council passed modifying DPU’s general terms and conditions, if anyone is granted a new water or wastewater tap, an annexation covenant is required. Periodically, DPU gives me a map to identify parcels with such covenants. We monitor the maps as to where covenants are being signed and as annexation is done, we try to head where water and sewer are in place. Spring Valley has had water for quite some time and sewer for over a year.”

Mayor Pro Tem Haire asked, “Are you saying that Clarendon Apartments don’t have water and sewer?”

Assistant City Administrator Bronson replied, “It does and as the covenants stack up that is where I tend to go from an annexation approach.”

Mayor Pro Tem Haire replied, “If we take that approach then the eastern side of Orangeburg is never going to get annexed.”

Assistant City Administrator Bronson replied, “There are quite a few covenants in the Belleville Road area getting sewer in that area.”

Mayor Pro Tem Haire responded, “You are not getting my point, you can never get to that area where covenants are being issued if we cannot get those contiguous parcels. I think I have said this once before, I have lived here all my life, born and raised in the area of Maxcy Street and the city limits hasn’t moved in my lifetime in that area in the eastern direction. I feel tonight, I cannot sit and continue to see that pattern continue and for that reason I cannot go through with the annexation until we decide we are going to put some emphasis in other directions pertaining to the city limit boundaries. I have gone along with other annexations in hopes that there will be some sort of fairness to other areas. I will not be able to vote for this.”

Mayor Miller read the Ordinance by title.

Councilmember Jernigan asked to amend the Ordinance and take in other areas as their current use.

A motion was made by Councilmember Jernigan to amend the Ordinance to reflect Parcel #1, 1687 Longwood be zoned as A-2, Parcel #9, 2855 Columbia Road be zoned at Office- Institutional, Parcel #29, 2875 Columbia Road be zoned as Office-Institutional, Parcel #32, 2821 Harris Street be zoned as A2, Lot #34, 1751 Lee Way be zoned as A-2, Lot #35 and Lot #36, 1758 Longwood as A-2. All the other parcels would be zoned as A-1. This motion was seconded by Councilmember Barnwell. This was a 4-3 vote as Councilmembers Miller and Knotts and Mayor Pro Tem Haire opposed.

Assistant City Administrator Bronson overviewed the Ordinance to amend the Municipal District Map. Mayor Pro Tem Haire asked City Attorney Walsh, "Assigning this to a district before it becomes annexed, is that proper?"

City Administrator Walsh stated, "The Justice Department has approved this method."

This was a 4-3 vote as Councilmembers Miller, Knotts and Mayor Pro Tem Haire opposed.

Councilmember Jernigan stated, "I hear what you are saying on the other side of town as far as annexation. I also realize annexation is a means for the City to grow and prosper. Annexation takes a lot of time from our staff to do it the right way. If we are patient enough and rely on our staff to do the right thing, I think we will see the City grow in all directions all the way around, not just in one direction. We have done more annexations this year than we have in the last ten years. I think that this is something that we are getting started on and we really need to be more patient with our staff and help them in getting these annexations done and investigate who wants to come into the city and take them in."

Mayor Pro Tem Haire replied, "I hear, but if you would understand having lived here as long as I have lived here, when there isn't any movement in the other direction, something is wrong. We had a study done some time ago. I heard John's explanation some time ago that there is an orderly process in which we do the annexations in certain areas. I feel we need to move the ball around. I've lived here over fifty years and I have not seen the city limits move."

Councilmember Barnwell stated, "I would just like to ask that the City Administrator and staff try to move annexation to the east of Orangeburg."

City Administrator Yow replied, "We would be happy to and we would also be happy to get any assistance in facilitating some meetings with some people, we'd appreciate it."

Mayor Miller stated, "As many of you know, this has been a pet project of mine in growing the City and I want to thank Mr. Bronson for his efforts. I know it takes a lot to get all of this together. It is a lot more complicated than just saying we want to annex an area, it takes a lot more work. I understand what Mr. Haire is saying. I have spoken to numerous civic clubs and churches urging them to come into the City. This piece we are bringing in tonight fits in with the other pieces we have annexed, tightening up a hole. I hope anyone that would like to come into the City, we would like to have them inside the City of Orangeburg and have a voice in government. I commend those in Spring Valley wanting to come into the City, we are glad to have you."

A motion was made by Councilmember Rheney, seconded by Councilmember Jernigan, to approve a Resolution to accept the low responsible bid by Randy Pigate Construction Company, Inc., of Longs, SC, in the amount of \$571,5595.00 for the Riverside pump station upgrade and force main. This motion was unanimously approved.

A motion was made by Mayor Miller, seconded by Councilmember Jernigan, to enter into an Executive Session for a legal matter concerning annexation/zoning/Spring Valley, Columbia Road.

Mayor Miller made a motion, seconded by Councilmember Jernigan, to adjourn.

There being no further business, the meeting was adjourned.

Respectfully submitted,

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





## RESOLUTION

A RESOLUTION AUTHORIZING THE EXTENSION OF THE MATURITY DATE OF THE MORTGAGE OF TWO AND SIXTY-NINE HUNDREDTHS (2.69) ACRES, WITH BUILDINGS AND OTHER IMPROVEMENTS THEREON, TO SOUTH CAROLINA BANK AND TRUST IN THE PRINCIPAL SUM OF FIVE HUNDRED THOUSAND (\$500,000.00) DOLLARS AND RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR THE COUNTY OF ORANGEBURG, STATE OF SOUTH CAROLINA IN MORTGAGE BOOK 1551 AT PAGE 293

WHEREAS, the City of Orangeburg by Ordinance 2005-1 authorized the above described mortgage, and,

WHEREAS, the Orangeburg County Chamber of Commerce has requested of South Carolina Bank and Trust an extension of the maturity date of said mortgage and the City of Orangeburg has agreed thereto.

NOW THEREFORE BE IT RESOLVED BY CITY COUNCIL DULY ASSEMBLED, that the City of Orangeburg does hereby consent to the extension of the maturity date of that certain mortgage of The City of Orangeburg to South Carolina Bank and Trust in the maximum obligation limit of Five Hundred Thousand (\$500,000.00) dollars dated February 11, 2005 and recorded in the Office of the Register of Deeds for the County of Orangeburg, State of South Carolina in Mortgage Book 1551 at page 293 to March 1, 2009.

BE IT FURTHER RESOLVED, that John H. Yow, City Administrator is hereby directed and authorized to execute a Commercial Loan Modification Agreement for the above purpose.

DONE AND RATIFIED BY THE CITY OF ORANGEBURG, STATE OF SOUTH CAROLINA THIS 16<sup>th</sup> DAY OF SEPTEMBER, 2008.



Mayor

*Paul G. Miller*  
*James D. Haile*  
*Andrew P. Kuyper*  
*Charles G. Barnwell Jr.*  
*Julius G. Miller*  
*Joseph L. Hines*  
*Chris G. Gentry*  
Members of Council

ATTEST:

*Deane Saint*  
Asst. City Clerk



## RESOLUTION

**WHEREAS,** on October 1, 2008, Howard Duvall did retire as the executive director of the Municipal Association of South Carolina after thirty-four (34) years of service to the state's 270 cities and towns; and,

**WHEREAS,** from his tenure as Director of Intergovernmental Relations to Executive Director, Howard has consistently provided technical assistance and helpful information to local elected officials and employees of cities and towns; and,

**WHEREAS,** Howard Duvall has served as the tireless voice of cities and towns at the State House on important legislative issues related to Home Rule; and,

**WHEREAS,** Howard Duvall has led the way to communicate the value of cities and towns to the state's competitiveness; and,

**WHEREAS,** officials and employees in the City of Orangeburg appreciate the dedication, passion and service that Howard Duvall has provided for our hometown on important issues related to our residents and their quality of life; and,

**WHEREAS,** the City of Orangeburg congratulates Howard Duvall on his retirement from the Municipal Association and wishes him success in his future endeavors.

**NOW, THEREFORE, BE IT RESOLVED** by Orangeburg City Council on this day, October 7, 2008, that our grateful appreciation be extended to Howard E. Duvall, Jr., for his dedication and service to our hometown and all of the hometowns in South Carolina and for his tireless efforts for over twenty-two years, of his thirty-four years of service, to the Municipal Association of South Carolina on behalf of cities and towns across the state.



ATTEST:  
  
City Clerk

  
Mayor  
  
  
  
  
  
  
Members of Council





## RESOLUTION

**A RESOLUTION FOR THE CITY OF ORANGEBURG, DEPARTMENT OF PUBLIC UTILITIES TO ACCEPT THE LOW RESPONSIBLE BID BY RANDY PIGATE CONSTRUCTION CO., INC. OF LONGS, SOUTH CAROLINA IN THE AMOUNT OF \$571,595.00 FOR THE RIVERSIDE PUMP STATION UPGRADE AND FORCE MAIN**

**WHEREAS**, the Department of Public Utilities of the City of Orangeburg, South Carolina, received bids on September 17, 2008 for the Riverside Pump Station Upgrade and Force Main, and

**WHEREAS**, the low responsible bid for this work was submitted by Randy Pigate Construction Co., Inc. of Longs, South Carolina in the amount of \$571,595.00; 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 7<sup>th</sup> day of October, 2008.



*Paul Miller*

MAYOR

*James Haire*

*Donna T. Harris*

*Charles B. Bandy*

*Chris Dixon*

*Gregory Kheng*

*Paul H. Miller*

MEMBERS OF COUNCIL

ATTEST

*Carrie H. Johnson*

CITY CLERK

## CITY COUNCIL MINUTES

### October 21, 2008

Orangeburg City Council held its regularly scheduled meeting on Tuesday, October 21, 2008, 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**  
**Trelvis A. Miller**  
**Joyce W. Rheney**

A motion was made by Councilmember Jernigan, seconded by Councilmember Barnwell, to approve the October 7, 2008, City Council Minutes as distributed. This motion was unanimously approved.

Assistant City Administrator Bronson addressed Council in regards to the Ordinance to annex described property under the seventy-five percent (75%) petition method. He stated, "The only changes in the Ordinance are the ones that Council recommended at last meeting. Those changes would be closely reflective on this map, #38 will be shaded yellow and #29 will be gray."

Councilmember Barnwell stated, "On #26 and #27, someone is clearing a lot."

Councilmember Miller asked, "Is #26 and #27 coming in as A-1?"

Assistant City Administrator Bronson replied, "Right."

Councilmember Miller stated, "I think when this Council decided to change the rezoning on some of the parcels on #9, #29, #34, #35 and #32. I believe we didn't take under consideration that #26 & #27 are by apartments and that should at least be zoned A-2. I don't know who owns #28, but #27, that whole strip is apartments or some type of multi-family usage. That too, should be zoned A-2. I think this Council really needs to look at that. I know there has been some talk about clearing of #26."

Assistant City Administrator Bronson stated, "Parcel #26 has had some clearing and #27 is a single-family home."

Councilmember Miller stated, "Right beside that one is a lot of apartments, correct?"

Councilmember Barnwell replied, "No, there is a wooded gap in between and then there are other apartments."

Assistant City Administrator Bronson stated, "Where you see Casa Court, that is where there are apartments in the County."

Councilmember Miller responded, "I understand that is in the County, the way we are annexing, that may be next in line. Regardless, I believe that #26 is running contiguous with Glenfield Apartments and that should be A-2. Even, if it zoned A-2, they cannot build commercial property."

Assistant City Administrator Bronson replied, "There is one caveat to that, on #26 and #27, #6, #4, #21, and #2 are owned by the Patel's or Courtesy Management and they did not sign the annexation petition. By the Orangeburg City Code, if someone does not sign the annexation petition, Council is obligated to annex them in as A-1, single-family residential."

**Page 2**

Councilmember Miller asked, "That is not our discretion?"

Assistant City Administrator Bronson replied, "According to the Code, you shall zone it as A-1."

City Attorney Walsh stated, "You shall zone it as A-1, the property owner can come back after the annexation to the Planning Commission."

Councilmember Miller asked, "What is the time, can they do that after third reading, the next day to the Planning Commission and ask to be zoned A-2, could they withdraw their request to be withdrawn?"

City Attorney Walsh replied, "If they actually signed it originally and withdraw their signatures, I would have to address the issue if they can withdraw the withdrawal."

Assistant City Administrator Bronson replied, "The petition can be signed for six months and the petition was initiated March 18, 2008, which would mean the petition ended September 18, 2008, which would be the last day a signature could be added to the petition under the 75% method under state law."

City Attorney Walsh stated, "They signed it earlier, but I haven't addressed the issue."

Councilmember Miller asked, "Can we address that issue before next Council Meeting?"

City Attorney Walsh replied, "Yes."

Councilmember Rheney asked, "Why is #26 being cleared?"

Assistant City Administrator Bronson replied, "I have not spoken with the property owners. I noticed Sunday it was being cleared and I have received many phone calls from people in the neighborhood asking why it was being cleared."

Councilmember Miller stated, "If there would be some type of agreement in the community. I know there has been some deep heartburn because no one wanted a convenience store on #26. I know that anyone who is in business or who has bought real estate, they want their property to remain valuable. I know one of my colleagues will say, we should not move the goal line if the person reaches the goal. If someone is getting potato chips instead of a steak dinner, I think that there should be a compromise made in the community."

Councilmember Barnwell asked, "You mean put a business there?"

Councilmember Miller stated, "No, not a business in A-2, you couldn't put a business there. If Glenfield is A-2 or will be A-2, I believe #26 should be A-2 and properties up the road are a bunch of apartments. I believe that we need to look at that and see if they would build apartments there and enhance the community. I offer a suggestion to the Patel's for #7 to look at possibly building townhouses and sell them instead of renting it whereas to give value to the property and people take ownership in that property. People would then have a vested interest in the community. Saying that, this could be the platform of what could come next. So people could see what they are doing to enhance the community. I think we need to, in all fairness, to offer the Patel's a seat at the table in a means of negotiation."

Councilmember Barnwell stated, "I'd like to say this, that individuals that built in Spring Valley, especially Parcel #7, if you have 18 or 26 apartments there, that is going to destroy the neighborhood and I'd be opposed to it."



Page 3

Councilmember Miller responded, "I definitely agree with you. I think when they gave the rendering, they were under the gun. I don't think that they thought about what they are doing and I am not their liaison. I would pretty much say that they were under the gun. Once again, I will say, I think they want to do something to enhance the community to facilitate their ideas into the community."

Councilmember Barnwell replied, "If they are going to facilitate it like the property now inside the City, it should be single-family to conform to what is in Spring Valley now. What if you lived out there and someone threw up a bunch of apartments there?"

Councilmember Miller responded, "It is not apartments, they are townhouses. What about properties #32, #31, #30, #33, #35, and #37? Have you even went out there and looked?"

Councilmember Barnwell stated, "Yes, in fact I was just out there today."

Councilmember Miller stated, "They are investing a ton of money in parcel #1."

Councilmember Barnwell replied, "I agree, but they are building single-family houses."

Councilmember Miller stated, "We are still zoning that A-2."

Councilmember Barnwell replied, "No, that is A-1."

Councilmember Miller stated, "Parcels #32, #33, #34, #35 and #36 is A-2."

Councilmember Barnwell replied, "As I understand it, that was one of Mr. Horger's properties and he was going to build a duplex."

Councilmember Miller responded, "What is the difference between a duplex and an apartment?"

Councilmember Barnwell replied, "In my opinion, a big difference."

Councilmember Miller asked, "What is it?"

Councilmember Barnwell stated, "It's not a condominium type home"

Councilmember Miller asked, "Is he going to rent it?"

Councilmember Barnwell replied, "I have no idea what he plans to do?"

Councilmember Miller asked, "You don't have any idea what he intends to do?"

Councilmember Barnwell stated, "No, I don't."

Councilmember Miller asked, "What if he decides to build a duplex?"

Councilmember Barnwell replied, "I am totally against apartments or condominiums."

Councilmember Miller asks, "What if he decides to build a condominium in #34, #35, or #36, can you stop that?"

Councilmember Barnwell replied, "No, I can't stop that."

Councilmember Miller stated, "He is also zoned A-2."

Councilmember Barnwell stated, "I think Mr. Horger is a man of his word and he said he was going to build apartments."

Page 4

Councilmember Miller stated, "Are you trying to say that the people of #26 and #27 are not men of their word? We are attorney's here. Let's be frank, let's be candid. We are telling these people that we are going to be able to dictate to them what they can and cannot build. Turn around and tell #34, #35 and #36 that whatever you tell us you are going to build, we believe you as long as there is this pie in the sky."

Councilmember Barnwell stated, "I said, I believe Mr. Horger is a man of his word."

Councilmember Miller stated, "Why wouldn't the Patel's be a man of their word, we need to get to know them, they are in that community."

Councilmember Barnwell stated, "I am not in favor for anything other than what I said."

Councilmember Miller stated, "Then ya'll all need to zone everything A1."

Mayor Miller asked, "Zone what?"

Councilmember Miller responded, "Parcels #34, #35, #36, #28, #37, #31, #30, #32, #31, #27, and #26, it all needs to be zoned A-1."

Mayor Miller asked, "Mr. Bronson, the properties that are adjacent to the Family Life Center on Harris Street, are those duplexes?"

Assistant City Administrator Bronson replied, "Those are all duplexes."

Mayor Miller stated, "In essence, those would be grandfathered in because they are all duplexes, correct?"

Assistant City Administrator Bronson replied, "Yes."

Mayor Miller stated, "The proposal or motion that Councilmember Jernigan made was to bring those in as A-2 and to bring in the Family Life Center and the church as Office-Institutional and to change from A-1 to A-2, the Longwood Nursing Home, which is what it is anyway."

Assistant City Administrator Bronson replied, "Yes."

Mayor Miller stated, "Versus raw land, that was not even on the petition, which is what Councilmember Miller is referring to anyway."

Assistant City Administrator Bronson stated, "I think so."

Mayor Miller stated, "I am not trying to trip anyone up. I am trying to get a sense of what is going on in my mind. I believe that #4, #6, #7 and possibly #28 and #27 did not sign the petition to come into the City, is that correct?"

Assistant City Administrator Bronson stated, "Parcel #27 is a single-family residence and they did sign to come in as A-1. Parcel #28 is vacant property and the property owner did sign to come in as A-2. Parcels #4, #6 and #7 are owned by Mr. Patel and Courtesy Management that he initially signed for and withdrew from the petition."

Mayor Miller stated, "Each of the properties that Councilmember Jernigan made in his motion was recommended by the Planning Commission to be changed to get them to conform to what they are anyway, correct?"

Assistant City Administrator Bronson replied, "Yes, based on the signatures on the petition."

Page 5

Mayor Miller stated, "The Nursing Home asked to come in as A-2, which is the proper designation as it should have been and the church asked to come in as Office-Institutional and the people that owned the duplexes asked to come in as A-2."

Assistant City Administrator Bronson stated, "Those who owned the duplexes that signed the petition."

Councilmember Miller asked, "Did #28 go A-2 or A-1?"

Assistant City Administrator Bronson stated, "Parcel #28 asked to come in as A-2 on the petition; Mr. Jernigan did not include them in his motion so they will be staying as A-1, which is what is in your Ordinance right now."

Councilmember Miller stated, "The Mayor posed a great question, what is on #34, #35, and #36, are there homes there?"

Assistant City Administrator Bronson replied, "On #34 and #35 there are duplexes and #36 is vacant."

Councilmember Miller stated, "So, it is raw land?"

Assistant City Administrator Bronson, "There is no building on it, I can't say if there are any trees on it or not. That area from #30 and #37, in between Harris and Dibble Streets, has restricted covenants that allow for single-family residences or duplexes. If you are familiar with the properties that are out there from the front, they do not look like duplexes they look like single-family residences."

Councilmember Miller stated, "I am not disputing that, bottom line; if they knock those structures down tomorrow, they can build high-rises."

Councilmember Barnwell stated, "Not according to the restricted covenants."

Assistant City Administrator Bronson stated, "They can build duplexes, I am not schooled in covenant restrictions."

Councilmember Miller stated, "They can build duplexes, I have got five attorneys up here now."

Mayor Miller replied, "Where are the attorneys?"

Councilmember Miller stated, "Everyone is answering my question that I am directing to Kevin."

Assistant City Administrator Bronson replied, "Which properties?"

Councilmember Miller responded, "Parcels #34, #35, and #36."

Assistant City Administrator Bronson stated, "As Council voted the first time, they can build duplexes."

Councilmember Miller stated, "Once again, we cannot control what is being built on #34, #35 and #36 regardless, we know that Attorney Horger, is a man of his word, as Buddy says and I know he is a fine gentleman. However, we need to open up the communications with the owners of #28, #7 and #26 and #27 if possible to A-2."

Assistant City Administrator Bronson replied, "Just for clarification #27 requested A-1."

Councilmember Miller stated, "I am just saying, I just threw that out there. I thought the attorney was going to look since they did sign the petition."

**Page 6**

City Attorney Walsh replied, "Yes, I would have to go back through the files."

Mayor Miller stated, "The fact of the matter is that #4, #6, #7 and #26 did not sign the petition, they withdrew."

Assistant City Administrator Bronson replied, "Yes, along with a few other properties."

Councilmember Miller stated, "If the attorney comes back and said that they can and forfeit, can that be placed back on the petition to be zoned A-2? We would need to consider that."

Councilmember Rheney asked, "It would still have to go back to the Planning Commission, right?"

Assistant City Administrator Bronson stated, "The final zoning is Council's prerogative, the Planning Commission just made a recommendation."

Councilmember Jernigan stated, "Would this have to go back to them if we passed this Ordinance? If we annexed them in as A-1 and they wanted to change the zoning, they would have to go back to the Planning Commission?"

Assistant City Administrator Bronson replied, "Any property owner who wishes to have their zoning changed, they can initiate that back through the Planning Commission."

Councilmember Jernigan stated, "They do have an appeal process in taking it back to the Planning Commission with their plans and letting them know what they want to build and letting the Planning Commission decide."

City Administrator Yow stated, "One thing we need to clarify is that plans aren't necessary approved along with the zoning."

Councilmember Jernigan stated, "I think it just proves what they intend to do and adds credibility."

Councilmember Miller stated, "I think we are stepping on thin ice with that. I know the Patel's and they have built several hotels on Highway 601, can you name one of them that look like crap? He stated that it brings credibility to what they intend to build, those are his words. If we are going to get over this, let's get over this hump."

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan to approve the Second Reading of an Ordinance to annex the within described property under the seventy-five percent (75%) petition method. This was a 4-3 vote as Mayor Pro Tem Haire, Councilmembers Knotts and Miller opposed.

A motion was made by Councilmember Jernigan, seconded by Councilmember Barnwell, to approve the Second Reading of an Ordinance to amend the Municipal District Map dated November 6, 2001, for the purpose of adding newly annexed City property to Municipal Council District #2. This was a 4-3 vote as Mayor Pro Tem Haire, Councilmembers Miller and Knotts opposed.

A motion was made by Councilmember Rheney, seconded by Councilmember Jernigan, to approve authorization for the City Administrator to accept Community Highway Safety Program Grant "Traffic Records Enhancement" in the amount of \$30,800 with a local match of \$7,700. This motion was unanimously approved.

Page 7

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve authorization for the City Administrator to accept a Methamphetamine Initiative Grant in the amount of \$280,590 with no local match required. 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 Jernigan, to adjourn.

There being no further business, the meeting was adjourned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Carrie W. Johnson", written over a light blue rectangular stamp.

Carrie W. Johnson  
City Clerk

CWJ/pfb



**CITY COUNCIL MINUTES  
NOVEMBER 4, 2008**

Orangeburg City Council held its regularly scheduled meeting on Tuesday, November 4, 2008, 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**  
**Trelvis A. Miller**  
**Joyce W. Rheney**

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to enter into an Executive Session for a legal matter concerning the annexation/zoning/ Spring Valley/Columbia Road. 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 October 21, 2008, City Council Minutes as distributed. This motion was unanimously approved.

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to postpone agenda items #3 and #4 based on legal information received regarding these matters. This motion was unanimously approved.

Chief Wendell Davis accepted the Character Trait Proclamation for November 2008, "Generosity".

Mr. Mike Sells, Administration Director for the Department of Public Utilities, addressed Council in regards to the Safety Resolution as recommended by SC Municipal Insurance Trust.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve a Resolution adopting the Department of Public Utilities Safety Program. 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





## RESOLUTION ADOPTING

### DEPARTMENT OF PUBLIC UTILITIES SAFETY PROGRAM

**WHEREAS**, the Department of Public Utilities, City of Orangeburg, South Carolina, realizes that it has the responsibility of providing a safe work environment for its employees and that each employee must pursue the highest standards in his/her assigned activities and that all Department employees must recognize that their own health and well-being as well as that of their co-workers and the protection of our human resources, are as important as the activity and job being performed; and

**WHEREAS**, the Department of Public Utilities has established and maintains a Loss Control Management Program and expects its employees to respond to loss control efforts and to perform their assigned job in accordance with all applicable safety rules and regulations; and,

**WHEREAS**, the Department of Public Utilities has established a Safety Committee, chaired by the Manager or his/her designee; and whose members include Division Directors, the Maintenance Facility Supervisor, one additional representative from each Division including the Maintenance Facility, (appointed by each Director); and, a representative from Human Resources,

**WHEREAS**, the Safety Committee shall continuously strive to improve the loss control efforts and operational efficiency of the Department of Public Utilities by adopting and updating safety rules and policies, safety audits, accident investigations and reviews, identifying loss trends, potential losses and safety training needs; and,

**WHEREAS**, each Division Director and Supervisor will be responsible for the safety of its employees and protection of human resources in his/her division as well as the necessary safety and maintenance of facilities and equipment in his/her area of responsibility; and,

**WHEREAS**, each Department employee will be responsible for his/her own personal safety, and for the protection of assigned equipment or facilities; and,

**WHEREAS**, the Department of Public Utilities, Orangeburg, South Carolina is committed to doing all in its authority and responsibility to ensure its Loss Control Management Program is a success and expects the Manager, Division Directors and Department employees to assist in this endeavor by contributing effort and expertise.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and members of City Council this twenty-first day of October 2008, in Orangeburg, South Carolina that the Department of Public Utilities will endeavor to provide a work environment free of recognized hazards through the establishment and implementation of loss control policies and procedures, and their subsequent amendments and additions, designed to provide protection to City employees, public and private property, and members of the public

**PASSED BY** the City Council of the City of Orangeburg, State of South Carolina, this 4<sup>th</sup> day of November, 2008.



ATTEST:  
*Carrie H. Johnson*  
CITY CLERK

*Paul A. Miller*

MAYOR

*Benjamin H. Hines*  
*Spencer F. Dwyer*  
*Charles P. Bennett Jr.*  
*James H. Miller*  
*Paul J. Segan*  
*Joseph H. Phelan*  
MEMBERS OF COUNCIL

## **CITY COUNCIL MINUTES NOVEMBER 18, 2008**

Orangeburg City Council held its regularly scheduled meeting on Tuesday, November 18, 2008, at 5:30 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 Jernigan, seconded by Mayor Pro Tem Haire, to approve the November 4, 2008 City Council minutes as distributed. This motion was unanimously approved.

Mr. Buster Smith, Director of Parks & Recreation, addressed Council. He stated that the City has been marketing the Children's Garden's Christmas drive through and Kid's Walk with rack cards and also previewed to Council a thirty second commercial that will be airing on television stations in Columbia and Charleston between now and Christmas. He thanked several City Departments and the Department of Public Utilities for their assistance in this project.

Assistant City Administrator Bronson addressed Council in regards to an upcoming lease purchase or master lease agreement. He stated, "This is to do a lease purchase for some of our capital items that were put in the budget for this year. We put this out in the middle of October, which was a chaotic time in the financial market. We are very pleased with the bids. First Citizens Bank came in with the lowest interest rate. While other municipalities were only receiving one bid under an average interest rate of 4%, we did well with our local bank. The finance rate from First Citizens is for \$409,084 at 2.65% for three years and \$627,250 for 3.01% for five years."

A motion was made by Councilmember Barnwell, seconded by Councilmember Rheney, to approve a Resolution authorizing the execution and delivery of a Master Lease Agreement. This motion was unanimously approved.

Mayor Miller made a motion to table item #4, on the agenda, relating to the closing of Gibson Street within the city limits based on discussions and questions. This motion was seconded by Mayor Pro Tem Haire and unanimously approved.

There were no utility matters brought before Council.

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

There being no further business, the meeting was adjourned.

Respectfully submitted,

Carrie W. Johnson

City Clerk

CWJ/pfb





**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 the 18<sup>th</sup> of November 2008, 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 \$ 409,084.00 at 2.65% APR for three (3) years, and \$ 627,250.00 at 3.01% for five (5) years, by entering into an Equipment Lease Purchase Agreement with First Citizens as Lessor and the City of Orangeburg as Lessee (the "Agreement") according to the terms set forth in the Bid Proposal from First Citizens, 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 18<sup>th</sup> of November 2008.**



ATTEST:

*Carrie H. Johnson*  
City Clerk

*Paul A. Miller*  
Paul A. Miller, Mayor

*James Hain*  
*Sandra R. Hutto*  
*Charles R. Barnett*  
*Paul D. Smith*  
*James W. Phares*

## CITY COUNCIL MINUTES DECEMBER 2, 2008

Orangeburg City Council held a Public Hearing on Tuesday, December 2, 2008 , at 7:00 P.M, in Council Chambers with Mayor Miller presiding. The purpose of the Public Hearing was for consideration of an Ordinance to amend Section 24-11.10 and 24-11.11 in article VII of the Code of Ordinances for the City of Orangeburg, SC by renumbering same.

Assistant City Administrator Kevin Bronson addressed Council. He stated, "When we modify the Zoning Ordinance, we are required to take it to the Planning Commission and hold a Public Hearing. Once it comes to you, we hold another Public Hearing and it requires three affirmative readings on your part. Back in the early part of this year, the Planning Commission asked for staff to come back with language on residential parking restrictions. I worked with the City Administrator, City Attorney and the Zoning Administrator and we took some language to the Planning Commission that dealt with parking restrictions in residential areas. Ultimately, at the September Planning Commission Meeting, they decided they would table that language. They thought it was too restrictive. As part of that process, the City Attorney found out that we have had at least two items that have been in our Zoning Ordinance at least since 2000, maybe even longer that were in section 24-11 which is entitled "general provisions" which should be in Article VII, Application and Development Standards for off street parking and loading areas. This is just a matter of two articles not put in the best place they could be put. The City Attorney went through the language and the only thing that was changed was a few words in 24-7.4, as you see in front of you, where it states that such vehicle and any boat that used to read equipment. We took out equipment and entered vehicle and any boat just to be ultra clear. We also changed where it states a period of thirty-six (36) hours it used to be twenty-four (24) hours. Some people say that was not long enough so we put in thirty-six (36) hours. The rest of the language in the zoning Ordinance is the same and it has been on the books for quite some time. I know some people think this is something new, it is not. It is enforced through complaint compliance. From time to time, the Zoning Administrator gets complaints on RV's blocking driveways and such and this is what he uses to go out and ask them to move the RV. This is not something we have a bearing problem with. What we are asking tonight is that we renumber this to put it in the appropriate section."

City Attorney Walsh stated, "There is one other change, in Section 24-7.5A, we added streets because in PDD's, we have streets that do not front on a public street."

Mr. George Green of 1677 Columbia Road addressed Council. He stated, "I have owned an RV for 10 to 15 years and when I bought on Columbia Road with one acre of land, I had no knowledge of this Ordinance. I think that some of this language in here should have some circumstances on how much property you own, how close an RV is to the street or whether it is blocking traffic. None of those apply to me. It seems you should be doing things for people to save money, not spend money. The RV which costs almost as much as my house to store it, is not acceptable. I am opposed to this Ordinance. Where I live, there are businesses there. Right across the street is Nunnie Smith and he has cars and boats out there all the time. My Motor Home sits at least 40 feet from the road."

Mayor Miller stated, "You may already meet the set-backs."

Councilmember Jernigan asked, "Has anyone complained to you about your RV in your yard?"

Mr. Green responded, "No, I have not, in fact someone from Wells Drive told me to be here tonight."

Mr. Rolly Williamson of Seminole Avenue addressed Council. He stated, "Sometimes we have to take our local paper with a grain of salt. Sometimes the truth eventually



Page 2

comes out one way or another. This Ordinance we are discussing really doesn't affect me. I have a motor home, which is enclosed in a metal building and I do not have a boat over 17 feet. There are quite a few in the city limits in Orangeburg. I was just wondering if ten years ago there wasn't much need for this, if it wasn't enforced. There is no need to have it, if we aren't enforcing it. The property taxes, like they are now, like Mr. Green probably pays pretty good city taxes just to have a motor home. These people with 50, 60, or 100 thousand dollar boats sitting in the yard get a knock on the door from the City saying that the boat has got to go. Where is it going? We have no storage facilities around here. That might be a good business to get into. What are the ramifications on something like this? Can we afford to do away with those property taxes on these boats and RV's? I am going to tell you, just ride around Orangeburg with that idea in mind, look in the yards and look how many you see there. Do we really want to get into this type of Ordinance? Unless it is dilapidated, an eyesore or a problem, what are you going to tell someone, that their \$50,000 boat or RV in their yard has got to go, you live in Orangeburg. Does anyone want to respond?"

Mayor Miller responded, "The Ordinance has been intact for a number of years and it has been enforced a handful of times. What Mr. Bronson said is that it is a tool that we can use in nuisance situations. That doesn't mean that everyone who has an RV will get a visit in the morning because they are not getting a visit now. Unless it is a nuisance in the neighborhood that is causing someone a problem, otherwise they are not going out."

City Administrator Yow stated, "In cases I can remember, some situations are when the RV is parked and blocking the driveway or next to a property line or where people were living in them."

Mr. Williamson stated, "That is understandable, if you are blocking the view. The way I read the Ordinance is that you can't do that, it's got to go."

City Administrator Yow stated, "No, if it meets the setbacks where it is not blocking the view, you can have one."

Mayor Miller stated, "It doesn't say you can't have one. It probably won't affect Mr. Green and won't affect many people. It hasn't been an issue. We are only talking about changing some numbers. It has been an Ordinance and if we change it, we have to go with a Public Hearing and three readings. I am not saying that I don't have some concerns about it myself. If it isn't broke, we don't fix it."

Councilmember Barnwell asked, "Mr. Yow what is the setbacks?"

City Administrator Yow stated, "I am looking for that now. All we have ever enforced is, if it is up against the property line or blocking the view if someone pulls out on the street. I don't know if we ever have gone out and pulled a tape measure to see if someone is 7 or 9 feet from the line."

Jennifer and Stuart Haig addressed Council. Mrs. Haig stated, "It seems there is a discretionary enforcement. We have an 18 foot camper that we try to use frequently. Currently, it is being kept at our in-laws. With the thirty-six (36) hour rule, that seems impractical for people who work full time who may pick it up on a Saturday to use the next weekend. If someone calls on Wednesday that we have had it there for three days, it kinds of concerns us. I have researched storage areas and there are none. If we had to store it, it would place a burden financially on the citizens who are already paying City taxes on the property. If we pay taxes, why can't we have it on our property? We can't put it in our backyard. We have a carport and we have trees on the other side. Anyway, you look at it, I am not very sure any of us were aware of this Ordinance. We have worked so hard for this and we are hearing we may not be able to keep it on our property. When is it going to be enforced? When we can't have it here? If a neighbor down the street doesn't want it there and calls when our next door neighbor doesn't mind, how is that going to affect us having it there?"

Page 3

Diane Weeks of Riley Street addressed Council. "We have a 35 foot camper and a large hedge. Now, I am wondering is that a set back? Is it back far enough from the road? I don't have a fence around my back yard. That concerns me, who is going to make decisions on the setbacks. I pay taxes on my property and am a law abiding citizen and this law has been on the books for ten years and now someone comes up with something that now they want to put it with something else. I feel for this young couple. Camping is my sanity trips and if I have to pay \$50 a month to store my camper and go to Santee and get it and bring it back and forth, it's not worth it."

City Administrator Yow stated, "This does not apply to back yards."

Ms. Weeks replied, "If I pull it out to get it ready and it's out there, that means I have to make sure it is not out there longer than 36 hours."

Mayor Miller relied, "If you aren't blocking the view and not causing a problem, there isn't an issue."

Ms. Weeks replied, "As long as someone likes me they won't call, but if I make them mad, they may call. If I have an eyesore, then yes, the City has a responsibility to make my property look better. I pay monthly mortgage payments and city and county taxes. We elect officials and they need to see that this is one of those stupid rules, think about it."

David McCall of 331 Brookside addressed Council. "I think everyone else has said everything that needs to be said. I have an \$85,000 motor home which is my second one for about twenty years. It is beside my house. Is the setback the footage from the street?"

City Administrator Yow replied, "The way I read it, it is three feet from the side, unless it is blocking the view near a property line."

Mayor Miller stated, "Then, you are fine."

Mayor Pro Tem Haire stated concerns about tabling the issue based on the concerns from the citizens.

Hearing no further comments, the Public Hearing was closed.

Council entered into the regularly scheduled meeting.

**PRESENT:**

**Paul A. Miller, Mayor**  
**Charles W. 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 Councilmember Knotts, to approve the November 18, 2008 City Council Minutes as distributed. This motion was unanimously approved.

Mayor Miller presented a Proclamation to Julian and Evelyn Stroman for beginning a tradition of creating an expansive and beautiful Christmas display at their residence on Old Riley Street which attracts thousands of visitors from the greater Oranegburg area and out of town visitor as well.

Page 4

DPS Director Wendell Davis accepted the Character Trait Proclamation for the month of December 2008, "Punctuality".

Mayor Pro Tem Haire made a motion to table agenda item #4, First Reading of an Ordinance to amend Section 24-11.10 and 24-11.11 in Article VII of the Code of Ordinances for the City of Orangeburg, SC by renumbering same, seconded by Councilmember Barnwell. This motion was unanimously approved. City staff was asked to go back based on the comments and concerns expressed, and redo this Ordinance to make it more palatable.

Buster Smith, P&R Director, presented to Council the recommendations from the City Accommodations Tax Advisory Committee. They are as follows:

- Orangeburg County Chamber of Commerce be designated as the lead agency for the City
- Orangeburg County Fine Arts Center-\$2,500—Billboards and ads promoting Showcase Orangeburg
- City of Orangeburg Parks and Recreation Department-\$1,800-TV homepage ad and rack cards for the Children's Garden Christmas
- Orangeburg County Chamber of Commerce-\$6,350-Vistor Guide, FAM Tours, visitor's packets and public relations and tourism
- Orangeburg Festival of Roses-\$5,000-Promotion of the festival through TV commercials and other media

A motion was made by Councilmember Rheney, seconded by Mayor Pro Tem Haire, to approve the recommendations of the City Accommodations Tax Advisory Committee. This motion was unanimously approved.

City Administrator Yow addressed Council. "As Council knows, in the most recent budget cycle for FY 08-09, we projected the tax millage rate at 88 mills based on the estimated value of a mill of \$34,974. As Council knows, the County has conducted property reassessment. The new value of a mill is \$36,448. In accordance to State Law, we would calculate the rollback millage as shown in your package. We would recommend adjusting it from 88 mills to 84 mills which takes in the growth factor and CPI, meaning 84.6 mills. We have not previously rounded the millage or set partial millage but that is Council's prerogative. I would recommend, if it meets your approval, to roll back the millage to 84 mills."

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve adjusting the City's millage from 88 mills to 84 mills. This motion was unanimously approved.

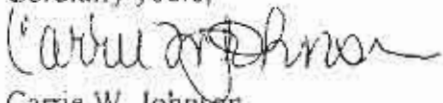
There were no utility matters brought before Council.

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to approve entering into an Executive Session for a legal matter concerning annexation/zoning/Spring Valley/Columbia Road. This motion was unanimously approved.

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

There being no further business, the meeting was adjourned.

Cordially yours,



Carrie W. Johnson  
City Clerk



## City Council Minutes December 16, 2008

Orangeburg City Council held its regularly scheduled meeting on Tuesday, December 16, 2008, at 7:00 P.M., in Council Chambers Building 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 Councilmember Rheney, to enter into an Executive Session for a legal matter concerning annexation/zoning/Spring Valley, Columbia Road/Longwood Street and Agreements pertaining to same. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, for Council to return to Open Session. This motion was unanimously approved.

A motion was Mayor Pro Tem Haire, seconded by Councilmember Jernigan, to approve the December 2, 2008, City Council Minutes as distributed. This motion was unanimously approved.

A motion was made by Mayor Miller, seconded by Mayor Pro Tem Haire, to cancel the January 6, 2009, City Council Meeting. This motion was unanimously approved.

City Administrator Yow addressed Council in regards to an Agreement with Courtesy Management and Patel and Rao Apartments. He stated, "The discussion of the Agreement first originated with Courtesy Management's assertion of vested rights in the proposed annexation on their properties. The assertion of vested rights are based on the County's site approval, building permits and clearing permits. City Council, after a thorough and legal review, determined it would be in the best interest of the proposed annexation area to enter into a discussion on compromised uses of the parcels in question. The Agreement we are presenting to Council tonight is between Courtesy Management and Patel and Rao Apartments and the City. There are four parcels of land in question. One is on Columbia Road, which is currently under construction as a convenience store site. Two other parcels are at the entrance of Spring Valley and the other one is at the corner of Columbia Road and Longwood. The Agreement before you proposes that these parcels would be annexed in the City. The site currently under construction as a convenience store would be annexed in as A-2. The construction would then cease. The two sites at the entrance of Spring Valley would be annexed as A-1, which is as currently proposed on the annexation petition and Ordinance. The site on Columbia Road and Longwood would be annexed as A-2. That would require an Agreement between the City and Courtesy Management allowing them to rescind their withdrawal of signatures on the petition and resign the petition. In this Agreement, it would also cover that the development of this site would be coordinated in compliance with the City Zoning Ordinance. Any site development, or permits needed would be approved by the City. Also, Courtesy Management reserves the right, if their development plan does not meet the approval of the City, to proceed with their plans as they have now. If that happens, we will have to address that at that time."

Page 2  
December 16, 2008

A motion was made by Councilmember Rheney, seconded by Councilmember Jernigan, to approve the authorization for the City Administrator to execute an Agreement concerning development of property of Courtesy Management, Inc., and Patel and Rao Apartments, LLC on Columbia Road and Longwood Street. This motion was unanimously approved.

Councilmember Jernigan stated, "I would like to thank the City staff and the Patel's for their hard work and I hope that this Agreement will be beneficial to everyone and that this will be something that will continue in the future"

Mr. Jim Meggs, Attorney, addressed Council, "I would like to thank Mayor, Council City Staff and the community for this result. On behalf of the Patel's, they are looking forward to doing something of quality nature for the City."

Assistant City Administrator Bronson addressed Council in regard to the 75% petition method. He stated, "The Ordinance is amended to include the parcels 0174-09-02-003 and 0174-09-03-012 as A-2."

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Jernigan, to approve the Third Reading of an Ordinance to annex the within described property under the seventy-five (75%) petition method. This motion as unanimously approved.

A motion was made by Councilmember Barnwell, seconded by Councilmember, to approve the Third Reading of an Ordinance to amend the Municipal District Map dated November 6, 2001, for the purpose of adding newly annexed City property to Municipal Council District Two (2). This motion was unanimously approved.

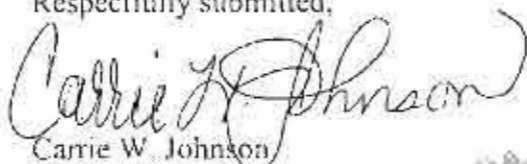
Mayor Miller welcomed the newly annexed area into the City.

There were no utility matters brought before Council.

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

There being no further business, the meeting was adjourned.

Respectfully submitted,

  
Carrie W. Johnson  
City Clerk

CWJ/pfb

