

NOTE:

*January 6, 2009*

*City Council  
Meeting*

*was canceled*

## City Council Minutes January 20, 2009

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Orangeburg City Council held its regularly scheduled meeting on Tuesday, January 20, 2009, 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**  
**Trelvis A. Miller**  
**Joyce W. Rheney**

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the December 16, 2008 minutes as distributed. This was a 6-0-1 vote with Councilmember Miller abstaining as he was not present at the meeting.

A highlight video was shown on SC State University's Football Team's Season. A Proclamation was presented to the Team, Head Coach Buddy Pough and Athletic Director Charlene Johnson honoring their 2008 Bulldog Football Season.

Mr. Harry Fleming addressed Council thanking them on behalf of the residents of Spring Valley. He thanked them for the opportunity to present their side of things and expressed thanks to Kevin Bronson who kept us informed whether good or otherwise.

Mr. Don Tribble, Director of Orangeburg Community of Character, accepted the January 2009, Character Trait Proclamation, "Cheerfulness".

City Administrator Yow overviewed for Council the Resolution for fire contract rate changes. He stated that this was discussed and approved during the budget process and hearings for the FY 2008-09 budget year. The smallest square foot houses classifications was not affected by any increase, some categories were increased 5% and others were reclassified and new classes were added.

A motion made by Mayor Pro Tem Haire, seconded by Councilmember Knotts, to approve the Resolution to set suburban fire protection rates as authorized under Section 18-4.2 of the Code of Ordinances. This motion was unanimously approved.

Public Works Director Durwood Bowden addressed Council in regards to sole source purchasing a residential garbage truck that is approved in the FY 2008-09 budget. He stated the reasons that sole sourely made good business sense for the City. The budgeted amount was \$183,000.00 and this truck will be \$168,319.00, plus sales tax, from Amick Equipment Company.

A motion was made by Councilmember Barnwell, seconded by Councilmember Rheney, to approve the purchase of a new residential garbage truck in the amount of \$168,319.00, plus tax, from Amick Equipment Company. This motion was unanimously approved.

The scheduled consideration of the City's Code for abandoned, junk or unlicensed vehicles had been canceled. City Administrator Yow noted the issue was cleared up after discussing the item with Mayor Pro Tem Haire who asked that this item be placed on the agenda.

Concerning the Department of Public Utilities, DPU Manager Fred Boatwright presented appointments to the DPU Grievance Committee. Janice Price from the Administrative Division as alternate, term to expire January 2012, Brett Yougue from the Electric Division, term to expire January 2010, Brittany Garrick from the Gas Division, term to expire January 2011, and Michael Owens from the Water Division, term to expire 2012.

A motion made by Rheney, seconded by Mayor Pro Tem, to approve the appointments to DPU's Grievance Committee. This motion was unanimously approved.





## RESOLUTION

### RESOLUTION OF CITY COUNCIL TO SET SUBURBAN FIRE PROTECTION RATES AS AUTHORIZED UNDER SECTION 18-4.2 OF THE CODE OF ORDINANCES OF THE CITY OF ORANGEBURG SOUTH CAROLINA

WHEREAS, the City of Orangeburg, South Carolina provides fire protection and other related services to the suburban areas outside the city; and

WHEREAS, a large Majority of the emergency calls are in the suburban areas; and

WHEREAS, the City incurs substantial costs in providing this service; and

WHEREAS, the City strives to maintain and improve its level of Public Safety services.

NOW THEREFORE, BE IT RESOLVED, that the Orangeburg City Council sets the rate for fire protection for annual suburban fire contract protection, effective *Jan 20*, 2009, as follows:

#### SUBURBAN FIRE PROTECTION RATES

1.	1st house less than 900 square feet	\$ 90.00
	All other miscellaneous structures on same lot	\$ 62.00
2.	1st house 900 square feet to 1499 square feet	\$133.00
	All other miscellaneous structures on same lot	\$105.00
3.	1st house 1500 square feet to 2099 square feet	\$143.00
	All other miscellaneous structures on same lot	\$112.50
4.	1st house 2100 square feet to 2699 square feet	\$151.00
	All other miscellaneous structures on same lot	\$123.00
5.	1st house 2700 square feet to 3299 square feet	\$161.00
	All other miscellaneous structures on same lot	\$133.00
6.	1st house 3300 square feet to 3899 square feet	\$170.00
	All other miscellaneous structures on same lot	\$143.00
7.	1st house 3900 square feet and larger	\$180.00
	All other miscellaneous structures on same lot	\$ 151.00
21.	Single Wide Trailer or Mobile Home	\$ 95.00
22.	Double Wide Trailer or Mobile Home	\$135.00
23.	Mobile Home Park, Each Single Wide Trailer or Mobile Home	\$ 95.00
	Mobile Home Park, Each Double Wide Trailer or Mobile Home	\$135.00
31.	Apartments, Duplexes, Townhouses or Condominiums less than 900 Square feet	\$95.00
	All other apartments	\$66.00
32.	Apartments, Duplexes, Townhouses or Condominiums greater than 900 Square feet	\$133.00
	All other apartments	\$105.00
35.	Hotels, Motels or Rooming Houses	\$500.00
36.	Recycling Centers greater than two acres	\$1,500.00
41.	Vacant Lot or parcel not exceeding 5 acres	\$ 80.00
42.	Vacant parcels larger than 5 acres	\$122.00
45.	Business under 1500 Square Feet (Sq feet must be verified)	\$150.00
46.	Business 1501 – 10,000 Square Feet (Sq feet must be verified)	\$300.00
47.	Business 10,001 – 30,000 Square Feet (Sq feet must be verified)	\$400.00
48.	Business 30,001 – 50,000 Square Feet (Sq feet must be verified)	\$600.00
49.	Business 50,001 – 100,000 Square Feet (Sq feet must be verified)	\$800.00
53.	Mall, Shopping Complex or Strip Malls (each unit), Sq. Feet must be verified	
	Under 1500 Square feet (each unit)	\$150.00
	1500 Square feet or Larger (each unit)	\$350.00

54.	Storage Warehouse - up to 3000 square feet (Sq ft must be verified)	\$165.00
61	Industrial, Manufacturing, Institutions under 100,000 Square Feet	\$1625.00
62	Industrial, Manufacturing, Institutions or Businesses over 100,000 sq. feet	\$2445.00
63	Hospitals	\$8,135.00
71	Gasoline Service Stations and/or Convenience Stores	\$400.00
74	Gasoline, Propane or other Fuel Bulk Plant	\$600.00
81	Dumpster Sites (per site), or Manned Convenience Stations (per site)	\$150.00
82	All Vehicle Fires	\$525.00

No contracts: When the Department of Public Safety responds to a residential call without a valid contract, the minimum service charge will be \$1,565.00 plus the price of the contract. All institutions, commercial, manufacturing, or business calls will be billed for actual costs with a minimum charge of \$1,565.00 plus the cost of the fire contract. Fire reports will not be issued until the service charge is paid in full.

DONE AND RATIFIED BY Council duly assembled this 20<sup>th</sup> of January, 2009



Paul J. Hines  
Mayor

James P. Hines  
James P. Hines  
James P. Hines  
James P. Hines  
James P. Hines  
James P. Hines  
Council Members

Attest:  
Carroll V. Johnson  
City Clerk

## City Council Minutes

### February 3, 2009

Orangeburg City Council held its regularly scheduled meeting on Tuesday, February 3, 2009, at 7:00 P.M., in the Council Chambers Building with Mayor Miller presiding.

#### PRESENT:

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

#### ABSENT:

Sandra P. Knotts

A motion was made by Councilmember Miller, seconded by Councilmember Jernigan, to approve the January 20, 2008, City Council Minutes as distributed.

Mr. Al Breland of The Greater Edisto American Red Cross addressed Council. He gave a brief update on where the Chapter is at. He stated, "I am now the Director of the Red Cross and I bring a lot of management skills to the Red Cross. Currently, our by-laws are out of compliance and we had seventeen board members last fall and we now have nine. I am going around collecting names and recommendations to get new board members. I also want to establish a financial plan. I have about ninety days to get it rolling. I want to tell you what Red Cross is doing for your community. In the last six months alone, we assisted thirty-seven families, received direct aid for fires, which equates to \$15,000 of aid paid directly. We have taught seventy-five health and safety courses. We have processed fifty-three emergency communication claims and processed military aid society loans. We are going to have fundraisers and put together a baby crawl and a tricycle race. We will have a yard sale at our Chapter House on March 21st. We would be happy to accept any donations for the yard sale. We will be having a Clara Barton Campaign with major donors and will be working with the United Way. What I am trying to tell you is that the Red Cross has been a part of this community. It always has been and always will be. Everyone has been over enthusiastic of what has been happening with the Red Cross. Please help me find key community leaders for board members to represent the three counties of Barnwell, Allendale and Orangeburg Counties."

Councilmember Jernigan asked about the blood donation program.

Mr. Breland replied, "There are two wings of the Red Cross. Columbia does the Blood Drive in this area. It will be Thursday at the Mall. I have asked the Chapter how much we have advertised in the past. I want to make sure the community knows that we are here and I know that the hospital also does a blood drive."

Mayor Pro Tem Haire asked, "Of the three counties, what is the ratio for the Board?"

Mr. Breland replied, "We don't specifically have a ratio at the moment. With Orangeburg having the most population it would probably be more representation from Orangeburg."

Yow updated Council on the status of the Veteran's Memorial Park. He stated, "This is the general location above where this is directly across from the Chamber of Commerce which is owned by the City of Orangeburg. As we pointed out in an earlier meeting, we were concerned with the lowness of the area. We have had soil borings done. This site can be used but we will have to bring in more soil. I wanted to point that out in the drawing in more detail. The total budget for this project is \$375,000.00. We have spent thus far approximately \$20,000.00 on design work and architectural work."

We have about \$350,000 left. As you can see from the drawing, the architect has removed part of this project from this phase which is parking onsite and the reflection pool. This does not mean we cannot come back at a later time and put those items in. Parking would be in the Chamber of Commerce parking lot."

Councilmember Barnwell asked, "On the stone, would that be the branches of service?"

A discussion was held on where the branches of service were and the conflicts would be placed. There was a discussion on where the conflicts would be listed.

City Administrator Yow stated "All the details have not been finalized yet and Mr. Bill Salley wanted to address Council on the flags. There is an area out in front in brick and concrete and I know that there is a possibility of the selling of bricks from the Veteran's Council."

Councilmember Rheney wanted to know if drainage would be done to include a future fountain.

City Administrator Yow stated no.

Mayor Miller responded also that the fountain was taken out to save approximately \$60,000 and to save costs.

City Administrator Yow also stated that it did not mean that this could not be revisited at a later time.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Rheney, to direct City Administrator Yow to move forward with this project and direct Mr. West Summers, Architect to move forward. This motion was unanimously approved.

Mr. Bill Salley of the Orangeburg County Veteran's Council addressed Council. He stated, "His organization feels strongly that the memorial should have a flag for each branch of service for a total of nine. Local veteran's associations will pay to replace those flags as necessary. In addition, we would like a placard to designate each conflict since the Revolutionary War. I have estimated the cost to be approximately \$800-\$900 each and twelve placards would cost \$10,000.00. I, as commander, would like to be a part of the design committee for this monument"

Mayor Pro Tem Haire asked, "What about future conflicts?"

Mr. Salley responded, "The memorial should be designed to accommodate additional conflicts and leave space and add placards."

Mayor Miller responded, "We have an architect for this project and the branches of service could be displayed in the brick work and we have got to leave all of that to the architect. We will be recognizing the conflicts and leave room for additional. How we are going to do that, I don't know at this point. We will be working with Mr. Summers on this and the design committee, I don't know if we can do that. We have Mr. Summers to design it to fit in with our pocketbook. I hear what you are saying. I think it is taken us a long time to get here and we need to move forward. I think we will take this information under advisement."

Mr. Salley also stated that there is a brick drive to sell bricks and to date they have sold less than ten.

Mr. Don Tribble, Executive Director of the Community of Character Program, accepted the Community Character Trait for the month of February 2009, "Patience".



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Mayor Pro Tem Haure made a motion, seconded by Councilmember Miller, to approve a Resolution for Cities Mean Business. This motion was unanimously approved.

Assistant City Administrator Bronson addressed Council. "We are presenting to you recommended changes in the Zoning Ordinance before sending it to the Planning Commission for review and a Public Hearing. The changes are proposed to give Council and the Commission greater flexibility in zoning annexed property. We hope to bring this back to you in March from the Planning Commission."

Mayor Pro Tem Haure asked, "When it comes back from the Planning Commission, is it a done deal?"

Assistant City Administrator Bronson stated, "No, we brought it before you tonight for you to make sure what you want in the language is there as I present it to the Planning Commission. They will then make a recommendation to you and it is Council's prerogative to do with it what you wish."

City Administrator Yow stated, "The reason we brought it back to you was the discussion over the last annexation and the Planning Commission was not part of that discussion. Changes in the Zoning Ordinance go before the Planning Commission but Council has the final say."

Mayor Pro Tem Haure asked, "Would A-1 be proposed for any annexed properties?"

Assistant City Administrator Bronson replied, "When we do the 75% Petition Ordinance Method, if someone does not sign the annexation petition, they are automatically zoned as A-1. This allows you flexibility to zone other than A-1."


A motion as made by Councilmember Barnwell, seconded by Mayor Pro Tem Haure, approving sending the proposed Zoning Ordinance Text Amendment to the Planning Commission. This motion was unanimously approved.

There were no utility matters brought before Council.

A motion as made by Mayor Pro Tem Haure, 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

cpb





## City Council Minutes February 17, 2009

Orangeburg City Council held its regularly scheduled meeting on Tuesday, February 17, 2009, 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 Barnwell, seconded by Councilmember Jernigan, to approve the February 3, 2009, City Council Minutes as distributed. This was a 4-0-1 vote as Councilmember Knotts abstained as she was not present at the meeting and Councilmember Miller was not yet present.

Mr. Fred Boatwright and Tommy Miller presented Mr. Ray L. Fogle with a Retiree Resolution and a gold watch for his thirty-three years, four months and six days of service to the Department of Public Utilities.

Dr. Eugene Gehry addressed Council in regards to the Veteran's Monument being proposed. He gave Council his credentials as far as his military service. He stated, "With no disrespect to Mr. Summers, I would rather have no monument than have that. Let's not get in a hurry to build it and let's build it right, not as a monument to the Department of Defense. We want to see something for the men and women of this County who gave their lives for our freedom. I feel that we need to collect money from those families to have names of loved ones engraved on the monument for \$25.00 each. I will put money in it right now. I am not criticizing Mr. Summers, but I say let's put in a wall and move the names from the Lady Fountain and use them on the new memorial. I think my idea of selling the right to sponsor the name on the monument is the right thing to do. I'd like to go down to that spot and shed tears there and kneel down and thank God for the service for those people that died for us."

Mayor Pro Tem Haire stated, "I feel that it would be a disservice to Veterans who died in action if they did not have families to pay for their names included on the monument. I think we could leave someone out and that would be a disservice to them."

Chief Wendell Davis, Keith Hewitt Sr. and Keith Hewitt Jr. presented Council with a Thermal Imaging System that was donated by State Farm through a public/private partnership. It is an infrared device that is hand-held that can identify hot spots and aid in search and rescue. The Hewitt's in the past have donated an arson dog and funds toward a fire house for children.

Orangeburg County Chamber of Commerce President David Coleman and Parks and Recreation Director Buster Smith presented Council with awards from the SC/NC Festival & Events Association for Best Mass Marketing for billboards, Best Mass Media Production for television ads and Best Merchandise Award for the Edisto Memorial Gardens Postage Stamp.

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Mr. West Summers, architect for the Veteran's Monument addressed Council. He stated, "We have looked at several sites and the site that has been agreed on can be used and it is a visible site. The earth (soil) just needs to be stabilized. This monument is dignified and respectful of the Veterans. We tried to incorporate all concerns in this design. We have scaled down the overall concept due to budget constraints and it has been designed with a lot of sensitivity. We tried to do something to honor and commemorate all Veterans, wars and conflicts and include all six branches of service and a POW flag. It resembles the Washington monument, simple with a wooded background and grassy surrounding. There is a hill to the back and flags will be incorporated in the design. We hope to have this project within budget. This is a once in a lifetime experience for me and I was also in the Navy. I think what we have tried to do is for all Veterans. There is room for bricks that can be etched and I think some are being sold now."

Mayor Miller stated, "I appreciate all the hard work that has gone into this and I know we have scaled it down to reduce the costs, in particular a reflecting pool which saved us about \$50,000. I think there are 1000 bricks in the walkway and there is a lot of opportunity to add names."

Councilmember Barnwell asked, "If we wanted to have the names engraved in the panels, could this be done and what would the costs be?"

Mr. Summers replied, "Yes, the panels could be continued on the side and names could be engraved and as of the cost, I don't know at this time."

Councilmember Barnwell stated, "I would recommend to you Mr. Gehry, that you approach Orangeburg County Council for funding. We were promised by a County Councilman that the County would assist us in this memorial. This has not materialized and it is a memorial for all Veterans of the County, not just the City."

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller to give the City Administrator authority to proceed with design drawings and bid documents and to put the Veteran's Monument out for bid and bring it back to Council for approval. This motion was unanimously approved.

City Administrator Yow addressed Council in regards to the closing of Gibson Street for the expansion of the courthouse by Orangeburg County. There was a discussion on whether or not St. Paul's United Methodist Church was notified and had approved the closing of the street.

Councilmember Barnwell stated that he was under the impression that the church was not in agreement and that the street is being used by the church school. Council agreed to table this item until a letter from the church approving the closing of the street was received.

There were no utility matters brought before Council.

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



**CITY COUNCIL MINUTES**  
**March 3, 2009**

Orangeburg City Council held its regularly scheduled meeting on Tuesday, March 3, 2009, 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 Public Hearing was held regarding amending Section 24-4.4 of the Zoning Ordinance of the City of Orangeburg, State of South Carolina.

Assistant City Administrator Bronson overviewed the text amendments to the Zoning Ordinance.

Hearing no public comments, the Public Hearing was closed.

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to enter into an Executive Session for a legal matter concerning the Terms and Conditions of the Department of Public Utilities. This was a 6-0 unanimous vote as Councilmember Miller was not present at this time.

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

A motion was made by Councilmember Knotts, seconded by Councilmember Jernigan, to approve the February 17, 2009, City Council Minutes as distributed. This was a 6-0-1 vote as Councilmember Rheney abstained as she was not present at the February 17<sup>th</sup> meeting.

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 was authorized to execute necessary documents. This motion was unanimously approved.

DPS Director Wendell Davis, who currently serves as Chairman of the Community of Character Board, accepted the Character Trait Proclamation for March 2009, "Sportsmanship".

A motion as made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the First Reading of an Ordinance amending Section 24-4.4 of the Zoning Ordinances of the City of Orangeburg, South Carolina. This motion was unanimously approved.

City Attorney Walsh addressed Council for amending two areas of the General Terms and Conditions of the Department of Public Utilities. He stated, "One area of concern is that there is a parcel that is located partly in the City and part is out; however, they are receiving in City utility rates, but not paying city taxes. So, in effect they are receiving in city rates without paying taxes. This is in Section 70 of the Terms and Conditions. Once this is passed, they will pay out of city rates for that entire parcel. The next portion amends language addressing covenants for outside properties requesting utilities. We now require covenants for water and wastewater; we have discovered that properties outside the City may be titled to different LLC's or Corporations yet they may belong to the same owner or owners. This would require that all of the owners of the properties must sign the covenant and a covenant is required on all properties."

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

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

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson  
City Clerk

/s/





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## CITY COUNCIL MINUTES March 17, 2009

Orangeburg City Council held its regularly scheduled meeting on Tuesday, March 17, 2009, 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 Rheney, to approve the March 3, 2009, City Council Minutes as distributed. This motion was unanimously approved.

A motion was made by Councilmember Knotts, seconded by Councilmember Jernigan, to approve the Second Reading of an Ordinance amending Section 24-4.4 of the Zoning Ordinances of the City of Orangeburg, SC. This motion was unanimously approved.

Mayor Miller read the 2010 Census Proclamation.

A motion as made by Mayor Miller, seconded by Councilmember Miller, to reappoint Ms. Tara Williamson to the City Election Commission. This motion was unanimously approved. This is a six year term expiring March 2015.

City Attorney Walsh addressed Council. He stated, "This Ordinance in amending the General Terms and Conditions in two different areas. If a parcel is partially in and partially out of the City, the owner will pay out of City utility rates for the entire parcel. Also, it will clarify that all adjoining property owners seeking City water or wastewater services are required to sign an annexation covenant to receive service. The Ordinance further defines an owner of adjoining property as ownership in any legal entity owning adjoining property or ownership by immediate family members.

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

Councilmember Barnwell made a motion to authorize City Administrator Yow to send a Resolution to AIG for the atrocious stealing of our tax dollars. This motion was seconded by Councilmember Jernigan and unanimously approved.

Mayor Pro Tem Haire addressed Council in regards to a bipartisan press conference at the Statehouse in Columbia. He stated, "The House passed their version of the budget and restored \$70 million of the \$120 million initially proposed. So that left \$50 million to be taken away from cities and counties. The Senate has expressed concern about what the House has done. I make a motion to authorize City Administrator Yow to prepare a Resolution for the next April 7<sup>th</sup> session, if it is not too late." This motion was seconded by Councilmember Barnwell and unanimously approved.

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

There being no further business, the meeting was adjourned.

Respectfully submitted,

  
Carrie W. Johnson  
City Clerk

CWJ/pfb





## Resolution

**WHEREAS,** American International Group, Incorporated (AIG) is an international provider of insurance and financial services; and,

**WHEREAS,** the City of Orangeburg, South Carolina, recognizes the importance of fiscal responsibility and good custodianship of taxpayer funds; and,

**WHEREAS,** the United States Treasury and Federal Reserve have committed almost \$200 billion in various forms of taxpayer assistance to AIG for the company's financial shortfalls, and,

**WHEREAS,** the commitment of almost \$200 billion in taxpayer assistance represents one of the largest Federal government rescues of a single private corporation in the United States history; and,

**WHEREAS,** AIG irresponsible practices have resulted in substantial losses to the company, its clients, investors and ultimately taxpayers; and,

**WHEREAS,** despite the irresponsible actions of AIG executives that threatened the company's financial stability, while exposing taxpayers to almost \$200 billion to cover losses from excessive risks; these executives will receive hundreds of millions of taxpayer money in retention payments and bonuses for performance in 2008 and 2009; and,

**WHEREAS,** the City of Orangeburg, South Carolina, finds these actions committed by American International Group, Incorporated (AIG) as the utmost representation of corporate malfeasance and all of these bonuses should be returned immediately.

**NOW, THEREFORE, BE IT RESOLVED,** by the Mayor and Members of City Council this seventeenth day of March 2009 in Orangeburg, South Carolina.



ATTEST:

*Carol N. Johnson*  
City Clerk

*Paul A. Miller*  
Mayor

*Charles B. Barnwell*  
*Daniel P. Roberts*  
*James A. L. L. L.*  
*Charles L. L. L.*  
*Ben L. L. L.*

Members of Council





## **A Resolution For The Sound Financial Management of the South Carolina Local Government Fund**

- WHEREAS,** the City of Orangeburg receives money from the State of South Carolina which reimburses the city for services which the city is required to provide on behalf of the State; and,
- WHEREAS,** the Local Government Fund evolved from a patchwork of taxes due to cities and counties originally called Aid to Subdivisions. As early as 1925, the state collected these municipal and county taxes and returned the proceeds to cities and counties through multiple complex formulas. In 1991, the process for returning these taxes to local government was simplified creating what is known today as the Local Government Fund; and,
- WHEREAS,** the Local Government Fund is calculated at 4.5 percent of the previous year's state general fund revenues divided between counties (83.3%) and cities (16.7 %) distributed based on population; and,
- WHEREAS,** State law prohibits the Fund from being cut below the level of the previous year without separate and specific legislation; however the Local Government Fund is subject to mid-year across the board cuts by the Budget and Control Board only to the previous year's funding level; and,
- WHEREAS,** the S.C. House of Representatives has passed a Bill (H 3581) which would reduce the city's portion of the Local Government Fund by \$73,381 or cause an increase of two (2) mills to pay for those services that the State currently funds, and if H3581 becomes law, the benchmark is reduced for future years. Not only is this a dangerous precedent, but this will put pressure back on the property tax; and,
- WHEREAS,** the impact of the local aid cuts will force immediate and severe service cutbacks in communities throughout South Carolina and rather than dismissing these cuts as "pennies on the dollar," it is important to recognize that essential local services will be hurt as a result of the largest and latest local aid reduction in state history; and,
- WHEREAS,** local aid is used by the city to pay for essential core services: policing the streets, fighting fires, responding to emergencies, collecting trash, maintaining safe roads, and providing water and sewer services. When local aid is cut, local services will be cut, and everyone is impacted; and,
- WHEREAS,** there are only two ways that the city can deal with local aid cuts, one is to raise property taxes even more and the other is to cut essential services that people want, this will be the worst of both worlds; and,
- WHEREAS,** the State either doesn't understand local finances or they are misrepresenting the meager amount that cities and towns have available as reserves in order to justify their rush to cut local aid. While the city does have reserves, it has been spending its reserves to protect local services and its bond ratings; and,
- WHEREAS,** fund balances, reserves or stabilization accounts are mostly used to pay for prudent cash flow purposes, unexpected emergencies or unexpected but necessary expenditures. Raiding these funds would weaken the city's finances and cut other services; and,
- WHEREAS,** due to the millage cap previously imposed on South Carolina cities the city is already restricted by state laws; and,
- WHEREAS,** the Local Government Fund offsets losses local governments experience from a number of tax exemptions and revenue raising prohibitions, such as Homestead property tax exemption, business inventories tax exemption, and a 15 percent cap on millage rate increases. This proposed cut forces local governments to carry the financial burden of the budget crisis without giving them an alternative solution to create revenue; and,



**CITY COUNCIL MINUTES**  
**APRIL 7, 2009**

Orangeburg City Council held a Public Hearing on Tuesday, April 7, 2009, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. The purpose of the Public Hearing was to consider a Zoning and Land Use change from A-2, Multi-Family Residential District to B-1 General Business, property belonging to Pruitt Properties, Inc., located at 775 Whitman Street next to Oranegburg Nursing Home, TMP# 0173-14-07-012.

City Administrator Yow noted the Public Notice and the Public Hearing by the Planning Commission and the proper posting of property. He also presented the Planning Commission's recommendation.

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  
Joyce W. Rheney

**ABSENT:**

Trelvis A. Miller

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to approve the March 17, 2009 City Council Minutes as distributed. This motion was unanimously approved.

Mr. Tripp Wingard and Mr. Marty Murdaugh from Murdaugh and Associates addressed Council in regards to the FY 2007-08 Audit for the City and Department of Public Utilities. Mr. Wingard started with the DPU highlights being: Capital assets were up 4.4%, cash and investments were down 6%, total assets were up 3.7%, net assets were up 5%, gross revenues were up 8.3% and operating expenses were down 9.3%, this being due to higher electricity costs.

The City highlights were stated as: The General Fund balance sheets were healthy, there is approximately six months worth of operating expenses in cash and investments. The Fund balance decreased by \$378,000 and \$380,000 was budgeted during Council sessions. Cash flow from the Pro Shop and Hillcrest was down \$4,500 excluding depreciation. There was an operating loss at the Airport of approximately \$69,000 due to budgeted expenses in moving the T-hangar to make room for the ramp expansion. This was planned and paid through the one-percent funds and the new asset has basically no debt. Airport assets were up \$625,000 due to the new hangars.

Councilmember Barnwell asked, "Where was the opinion if there was anything wrong or misrepresentations?"

Mr. Wingard replied, "On page 1, third paragraph, presented fairly and all material aspects."

Mr. Murdaugh also stated, "We are required to report it this way and also on page 60."

Councilmember Barnwell asked, "Do we have a clean bill of health?"

Mr. Wingard replied, "Yes."

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the City's/Department of Public Utilities FY 2007-08 Audit. This motion was unanimously approved.

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A motion was made by Councilmember Jernigan, seconded by Councilmember Rheney, to approve the Third Reading of an Ordinance amending Section 24-4.4 of the Zoning Ordinances of the City of Orangeburg, SC. This motion was unanimously approved.

A motion as made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, approving the ratification of a Resolution sent to American International Group, Incorporated (AIG) concerning irresponsible actions with taxpayer's money. This motion was unanimously approved.

Department of Public Safety Director Davis addressed Council in regards to the Department of Public Safety. He advised Council that the Department has been reaccredited by the Commission on Accreditation for Law Enforcement Agencies. He also notified Council that the Agency has been awarded the Crime Prevention Unit of the Year Award and that the AFIS machine is up and running. He stated, "This machine (AFIS) which means Automated Fingerprint Identification System, allows the Department to detect fingerprints a lot faster than before. This is a second phase of our forensic lab." He also notified Council of the upcoming press conference on Wednesday.

Mr. Lee Wiles from Miller Communications accepted the Character Trait Proclamation for the month of April, 2009, "Loyalty".

A motion as made by Mayor Pro Tem Haire, seconded by Councilmember Knotts, to approve a Resolution recognizing April, 2009 as Fair Housing Month in the City of Orangeburg. This motion was unanimously approved.

The City of Orangeburg Budget Calendar for FY 2009-2010 was received as information and City Administrator Yow to review and this will be presented for adoption at the next Council Meeting.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve a Resolution for the Sound Financial Management of the SC Local Government Fund. This motion was unanimously approved.

City Administrator Yow stated, "Mayor Pro Tem Haire went to a press conference in Columbia and briefed Council on these cuts. Some legislators are willing to make large cuts to local government. No one has suggested cutting the \$837,000 the City sends the state in traffic and criminal fine assessments. I think it is wholly unfair."

Mayor Pro Tem Haire stated, "There is a solution."

Mayor Miller stated, "Both Senator Hutto and Senator Matthews were not in favor of the House Bill; however, they felt like if the State was going to be cut, the cities and counties would have to take their lump along with everyone else. They are scripting us on what we can and can't do and along with the millage caps."

A motion was made by Councilmember Rheney, seconded by Councilmember Jernigan, to approve the First Reading of an Ordinance to amend the Land Use Map of the City of Orangeburg, SC, for the purpose of changing from "Residential General District" to "Business/Commercial District" the property of Pruitt Properties, Inc. This was a 5-0-1 vote as Mayor Pro Tem Haire abstained. This was property that was discussed in the Public Hearing.

A motion was made by Councilmember Barnwell, seconded by Councilmember Knotts, 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, SC and the Zoning Map of the City of Orangeburg. This was a 5-0-1 vote as Mayor Pro Tem Haire abstained. This was property that was discussed in the Public Hearing.

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A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Rheney, to approve the Third Reading of an Ordinance to amend the General Terms and Conditions of the Department of Public Utilities.

City Attorney Walsh stated, "This is doing two things, it is addressing utility rates for property partially inside and partially outside the City. They will be charged outside the city rates. Secondly, it clarifies how we define owner in regards to annexation covenants before they can receive water and wastewater service. There have been no changes from the first and second reading."

This motion was unanimously approved to approve the Third Reading of an Ordinance to amend the General Terms and Conditions of the Department of Public Utilities.

A motion as made by Councilmember Rheney, seconded by Mayor Pro Tem Haire, to approve a Resolution for State Revolving Fund Loan Application for wastewater, water pollution control revolving fund in the amount of \$4,557,000. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Knotts, to approve a Resolution for State Revolving Fund Loan Application for water, drinking water revolving loan fund in the amount of \$1,845,000. This motion was unanimously approved.

Councilmember Barnwell commended Manager Fred Boatwright in negotiating a lower interest rate.

A motion was made by Councilmember Barnwell, 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

- 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 7th day of April 2009.



*James W. Rhoney*

Mayor

*James W. Rhoney*

*Charles B. Brannan, Jr.*

*Charles B. Brannan, Jr.*

*James W. Rhoney*

*James W. Rhoney*

Members of Council

ATTEST:

*Carrie W. Johnson*

City Clerk

**WHEREAS,** In accordance with existing state law the City of Orangeburg dutifully collected and faithfully submitted to the State \$693,416.15 of traffic fine assessments last year while receiving no compensation for such collection and submission and also submitted \$143,365.65 in criminal fine assessment last year for a total of \$836,781.80; and,

**WHEREAS,** the city doesn't have the liberty to amend the state laws and reduce assessments given to the State; and,

**WHEREAS,** the City of Orangeburg faithfully maintains rights-of-way within its corporate boundaries on State owned roadways and receives no compensation other than its own sense of pride; and,

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and City Council of the City of Orangeburg, in Council duly assembled, do wholeheartedly, willfully and dutifully petition the South Carolina General Assembly to leave the Local Government Fund in full force and effect.

**PASSED BY** the City Council of the City of Orangeburg, State of South Carolina, this 7<sup>th</sup> day of April 2009.



*Lucas Min*  
Mayor

*Joseph W. Rhee*  
*Chuck Ferguson*

*Charles B. Bamberg*

*Vendia R. Hutto*

*James Haire*

Members of Council

ATTEST:  
*Carrie N. Johnson*  
City Clerk





## RESOLUTION

**WHEREAS**, the South Carolina Water Quality Revolving Fund Authority (the "State Authority") provides low-interest loan financing for the construction of publicly owned wastewater treatment facilities from the Water Pollution Control Revolving Fund (the "Fund") pursuant to the Federal Clean Water Act and Title 48, Chapter 5, Code of Laws of South Carolina, 1976, as amended; and

**WHEREAS**, the City of Orangeburg is a legally constituted municipal corporation in the State of South Carolina and is authorized to incur revenue debt pursuant to Title 6, Chapter 21, Code of Laws of South Carolina, 1976, as amended; and

**WHEREAS**, the City of Orangeburg has determined that it is in the best interests of the City to apply to the State Authority for a loan from the Fund;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Orangeburg, South Carolina (the "Council"), in a meeting duly assembled:

1. That the Council hereby authorizes Fred H. Boatwright, Manager of the Department of Public Utilities to complete, and Paul A. Miller, Mayor of the City of Orangeburg, South Carolina to execute and submit an application to the State Authority for a loan from the Fund in the amount of approximately \$4,557,000 to finance the costs of improving, refurbishing, rehabilitating, repairing or replacing the City's 24"(inch), 36"(inch), and 42"(inch) wastewater interceptors and improving, refurbishing, rehabilitating, or repairing the City's Wastewater Treatment Plant. The Manager of the Department of Public Utilities is authorized to take such actions as may be necessary or convenient to complete the application process.
2. That the City will grant to the State Authority a pledge of, and lien on, all revenues of the City's Combined Utility System for repayment of the loan.
3. That the final terms and conditions of the loan and the loan documents shall be subject to the approval of this Council.

**PASSED BY** the City Council of the City of Orangeburg, State of South Carolina, this 7th day of April, 2009.



Mayor

*Paul A. Miller*  
*Samuel H. Hines*  
*Charles F. Hines*  
*Charles S. Bannwell*  
*James W. Phares*  
*Chris J. Jorgensen*

Members of Council

ATTEST:

City Clerk

*Carol H. Johnson*



## RESOLUTION

**WHEREAS**, the South Carolina Water Quality Revolving Fund Authority (the "State Authority") provides low-interest loan financing for the construction of public drinking water facilities from the Drinking Water Revolving Loan Fund (the "Fund") pursuant to the Federal Safe Drinking Water Act and Title 48, Chapter 5, Code of Laws of South Carolina, 1976, as amended; and

**WHEREAS**, the City of Orangeburg is a legally constituted municipal corporation in the State of South Carolina and is authorized to incur revenue debt pursuant to Title 6, Chapter 21, Code of Laws of South Carolina, 1976, as amended; and

**WHEREAS**, the City of Orangeburg has determined that it is in the best interests of the City to apply to the State Authority for a loan from the Fund;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Orangeburg, South Carolina (the "Council"), in a meeting duly assembled:

1. That the Council hereby authorizes Fred H. Boatwright, Manager of the Department of Public Utilities to complete, and Paul A. Miller, Mayor of the City of Orangeburg, South Carolina to execute and submit an application to the State Authority for a loan from the Fund in the amount of approximately \$1,845,000 to finance the costs of improving, refurbishing, rehabilitating, repairing or replacing a 10"(inch) water line on South Carolina Highway 400. The Manager of the Department of Public Utilities is authorized to take such actions as may be necessary or convenient to complete the application process.
2. That the City will grant to the State Authority a pledge of, and lien on, all revenues of the City's Combined Utility System for repayment of the loan.
3. That the final terms and conditions of the loan and the loan documents shall be subject to the approval of this Council.

**PASSED BY** the City Council of the City of Orangeburg, State of South Carolina, this 7<sup>th</sup> day of April, 2009.



Paul A. Miller  
Mayor

Sandra L. Smith  
Charles B. Bonwell  
Joyce W. Rheneas  
Paul Dargatzis  
Members of Council

ATTEST:

Carol Johnson  
City Clerk



## CITY COUNCIL MINUTES

### April 21, 2009

Orangeburg City Council held its regularly scheduled on Tuesday, April 21, 2009, at 7:00 P.M., in the 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 Jernigan, seconded by Councilmember Rheney, to approve the April 7, 2009, City Council Meeting Minutes. This was a 6-0 vote as Councilmember Miller was not present at the time of the voting, but was present for the remainder of the meeting.

Mr. Clint Shealy, Professional Engineer with Black and Veatch, awarded the Department of Public Utilities the winner of the Best Tasting Water Competition. This award was presented at the SC Environmental Conference and is one of the largest environmental conferences in the Southeast. Mr. Eric Odom and Mr. Hank Rutland from the Water Department of the Department of Public Utilities accepted the award.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the City of Orangeburg Budget Calendar for FY 2009-2010. This motion was unanimously approved.

City Administrator Yow addressed Council in regards to amending the Land Use Map and amending the Zoning Map for changes from Residential General District to Business Commercial and to amend the Zoning Map. He explained these items had a Public Hearing and the Planning Commission comments. First Reading was held previously.

Mayor Pro Tem Haire stated, "I talked to Dr. Sarah Watson Favor, she is not in favor of the change being proposed. As Councilmembers a few years ago, there was a similar situation where businesses were encroached in residential areas such as St. Matthews Road and Chestnut Street. In talking with her, she is not in favor of that change; she was going to try to get here tonight. For that reason, I will be voting against this."

City Administrator Yow asked, "Was she opposed to Business, Office-Institutional, or any re-zoning?"

Mayor Pro Tem Haire replied, "As we have it, it will change to Business and she is opposed to that."

City Administrator Yow stated, "The reason I ask is that Council can turn it down and do no re-zoning or Council can change it to Business-Commercial or Council can change it to O-I. That might be one of the things that Council may want to consider."

Councilmember Jernigan asked, "What were her main objectives to this?"

Mayor Pro Tem Haire replied, "She did not want the business in the area; I know the house is between the nursing home and her house. She doesn't want any other business in that area."

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Mayor Miller asked, "We are only talking about one piece of property next to the Nursing Home which is zoned A-2?"

City Administrator Yow stated, "Yes, it's last use was a duplex."

Councilmember Barnwell asked, "Will Office-Institutional suffice for their use?"

City Administrator Yow replied, "Yes, they plan to use it as an office for the Nursing Home so it should suffice."

Mayor Miller asked, "Would O-I be suitable with her?"

Mayor Pro Tem Haire replied, "I haven't discussed that with her."

A representative with Pruitt Properties, Mr. Brian Bonner addressed Council, "They are trying to get it zoned as the same designation as the nursing home itself and use it as a meeting space for the nursing home and for executive office space."

Mayor Miller asked, "If we were to change it to O-I, you could make that work within your plans?"

The representative replied, "Yes, but it would make it much more difficult once we get into financing down the road, but it would work with our plan."

A motion to table items #4 and #5 was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire. This motion was unanimously approved.

Mr. Buster Smith addressed Council, "An Angel of Hope Project was given to Parks and Recreation for consideration which is a monument dedicated to children who have lost their lives by natural causes or accident. There is no current "Angel of Hope" monument in South Carolina. This would be the first in South Carolina which would be displayed in the Edisto Memorial Gardens. The proposed location would be close to DPU Centennial Park on a knoll. Pavers would be installed for names and bricks also. This project was brought to us by Mr. & Mrs. Tim Adams. A committee would be formed in order to solicit funds. Other opportunities for individual recognition would be for trees or benches. This would be special because it would be the only one in South Carolina."

Mr. Tim Adams addressed Council, "Our daughter died in an automobile accident last May and this would be a great project and the Gardens would be an ideal spot for this if we could incorporate this as a concept at the Edisto Memorial Gardens."

Mayor Pro Tem Haire asked, "How many names could be added to the granite wall?"

Mr. Smith replied, "We have not gotten all of that information yet, we anticipate at least twenty (20) on each side and also other bricks can be purchased."

Mayor Pro Tem Haire stated, "I think it is a great idea. My concern is as it relates to those who have suffered a loss that cannot pay to have their loved ones name added, this would eliminate them. If Council agrees to this, I hope the money will be there for those that do not have the money."

Mr. Smith and Mr. Adams stated, "There will be means in place and fundraisers year round."

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Councilmember Jernigan asked, "Once this is built, will the City be responsible for maintenance?"

Mr. Smith replied, "Yes."

Councilmember Rheney asked, "Will money be in place before this is built?"

Mr. Smith replied, "This will be an ongoing project and as funds come in we will develop the project."

Mr. Adams stated, "My wife and I are willing to donate the cost of the monument which is about \$15,000."

Councilmember Jernigan asked, "What is the cost to the City?"

Mr. Smith replied, "We will be involved in installation and landscaping to costing about \$3,000."

It was agreed that Buster Smith, P&R Director, would be a member of the committee.

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to adopt the concept and location and report back to Council when funds are available and to update us on the project.

A motion was made by Councilmember Rheney, seconded by Mayor Pro Tem Haire, to approve a Resolution for Theft Protection Policy for the City and the Department of Public Utilities. This motion was unanimously approved.

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to enter into an Executive Session for a contractual matter concerning DPU's Electric Division. This motion was unanimously approved.

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

DPU Director Boatwright addressed Council, "On May 23, 2008, we executed a Power Purchase Agreement with Duke Energy and on March 30<sup>th</sup> of this year the North Carolina Utilities issued an order "adverse to the agreement with respect to the "system average generation pricing" provisions of the agreement. Duke in turn implemented the clause in the agreements, Notice of Condition Precedent, which specifies that system average generation pricing cannot be used as the basis for selling their generation services to DPU and therefore incremental pricing would go into effect with commencement of the service May 1, 2009 and remain in effect until December 31, 2010.

In the meantime we received an offer from SCE&G to extend the existing contract until December 31, 2010. The present contract provides for a 3% increase in the purchase price of electricity for 2009 and 2010. We compared the offers and determined that it is in our ratepayers best interest to extend the present contract with SCE&G.

I am therefore asking that you approve a Resolution tonight authorizing me to notify SCE&G of our intention to accept their offer to rescind its notice of termination of the present contract and to extend their service until December 31, 2010. Further, that I provide Duke Energy with the City of Orangeburg's formal notice that it is terminating the Agreement for Duke to provide and Orangeburg to receive Contingent Service under the provisions of Section 3.5.1 of the Power Purchase Agreement dated May 23, 2008 between Duke Energy Carolinas and the City of Orangeburg ("PPA").

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This arrangement provides the best pricing for our customers and allows us the opportunity to continue to explore all options open to us both legal and contractual for our long term needs. I do not anticipate any immediate changes to our structure."

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the Resolution for approval of Electric Purchase Agreement. This motion was unanimously approved.

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

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson  
City Clerk

CWJ/pfb



## CITY COUNCIL MINUTES

### May 5, 2009

Orangeburg City Council held a Public Hearing on Tuesday, May 5, 2009, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. The purpose of the Public Hearings were:

1. Annexation of property to consider an application for annexation into the City of Orangeburg property belonging to Kinder Hillcrest, LLC., for property located on St. Matthews Road for Parcel A at TMP# 0174-14-01-010
2. Annexation of property to consider an application for annexation into the City of Orangeburg property belonging to South Carolina Healthcare Facilities, LLC., for property at 1748 St. Matthews Road at TMP# 0174-14-06-007

City Administrator Yow gave Council and the public an overview of the two proposed annexations and informed Council that the Planning Commission recommended the annexations with the requested zoning.

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  
Joyce W. Rheney

**ABSENT:**

Trelvis A. Miller

A motion was made by Councilmember Rheney, seconded by Councilmember Knotts, to approve the April 21, 2009, City Council Minutes as distributed. This motion was unanimously approved.

Mayor Miller recognized members of Claflin's Men's basketball team and presented the team with a Proclamation.

City Administrator Yow notified Council that the owners of Pruitt properties asked for additional time to meet with Council and neighbors to explain their plans.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Jernigan to table items #4 and #5 until next Council meeting.

Mr. Brian Bonner and Ms. Theo Reed spoke and advised Council of their intent of the use of the property next door as office space for the nursing home.

Chief Wendell Davis accepted the Character Trait Proclamation for the month of May 2009, "Virtue".

City Administrator Yow advised Council of the next two items concerning the annexation. He stated, "No one spoke at the Public Hearings that was held and all documents and minutes from the Planning Commission were included for Council's review."

Councilmember Barnwell asked, "Once the City provides sanitation services, would the dumpsters would be removed? They look atrocious and need to be totally redone."

City Administrator Yow responded, "The owners have a choice of city service or commercial service according to our Solid Waste Ordinance. They will probably opt for our services, but that is not a given. Once they are annexed in the City, we'll apply our codes."

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the First Reading of an Ordinance to annex property belonging to Kinder Hillcrest, LLC., for Parcel A at TMP# 0174-14-0-010 and Parcel B at TMP# 0174-24-07-027. This motion was unanimously approved.


A motion was made by Councilmember Barnwell, seconded by Councilmember Rheney, to annex property belonging to South Carolina Healthcare Facilities, LLC., for property at 1748 St. Matthews Road at TMP# 0174-14-06-007. 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 Knotts, to adjourn.

There being no further business, the meeting was adjourned.

Respectfully submitted,

  
Carrie W. Johnson  
City Clerk

/pfb



## CITY COUNCIL MINUTES

**June 2, 2009**

Orangeburg City Council held its regularly scheduled meeting on Tuesday, June 2, 2009, at 7:00 P.M., in the Council Chamber Building with Mayor Miller presiding.

**PRESENT:**

**Paul A. Miller**

**Charles B. Barnwell**

**Bernard Haire**

**Charles W. Jernigan**

**Sandra P. Knotts**

**Joyce W. Rheney**

**ABSENT:**

**Trelvis A. Miller**

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to approve the May 19, 2009, City Council Minutes as distributed. This was a 5-0-1 vote as Councilmember Rheney abstained as she was not present at the meeting.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Rheney, to approve the plaza infrastructure work for the Veteran's Memorial Park in the amount of \$86,842.00 to O'Cain Construction Company, Inc. This motion was unanimously approved.

A motion was made by Councilmember Barnwell, seconded by Councilmember Knotts, to approve the contract for granite work for the Veteran's Memorial Park in the amount of \$148,500.00 to Carolina Granite and Marble Company. This motion was unanimously approved.

City Administrator Yow briefed Council on the Second Reading of an Ordinance to amend the Land Use Map of the City of Orangeburg, South Carolina for the purpose of changing from "Residential General District" to "Business Commercial District" the property belonging to Pruitt Properties Inc. He stated, "This item has been tabled twice by Council or recommendation from the owners. Just for information, if Council decides to make changes to Office Institutional instead to Business, then a land use change will not be required."

Councilmember Barnwell made a motion to amend the Ordinance from General Business or Business Commercial to Office Institutional, seconded by Councilmember Jernigan.

Mayor ProTem Haire stated, "I'd like to state my objection to the existing motion and the substitute motion. I have taken some pictures also. The home on the right in the picture is the home of Mrs. Sarah Washington Favor. The house in question is to the left. We are talking about changing it to Office-Institutional. I am very concerned about changing that neighborhood from what it has already been changed. Once you start, it creates a domino effect. The office next to Mrs. Favor's house is something I wouldn't want next to mine. It is going to bring in additional traffic. There is no telling what will end up in this structure. I have talked to the owner and she is not in favor and we have talked to representatives of the company and they have not convinced me of anything different from my viewpoint. We should not allow further encroachment in this neighborhood and I feel like this would. For that reason, I will be voting no to this and to the substitute motion."



Councilmember Jernigan asked Mr. Brian Bonner from Pruitt Properties, "What construction will be done to this house, will it be internal? Will you be adding any rooms on?"

Mr. Brian Bonner replied, "All the construction will be internal, there will be no additional parking. The parking will be at the nursing home to the left of the home. We will be making some cosmetic changes cleaning up the outside. Not to my knowledge will there be any rooms added."

Councilmember Jernigan asked, "The nursing home is immediately to the left of this home? "

Mr. Bonner replied, "We own right up to the property line of this structure as you can see in this picture, the parking will be at the nursing home."

City Administrator Yow stated "I am not disputing what he is saying, but I'd like to point out that once we rezone something there are other changes that are then allowed."

Councilmember Jernigan stated, "I can't see where it is going to be detrimental to the area at all. Who is to say what it would be 10 or 20 years from now. I would be in favor of Office-Institutional."

Councilmember Barnwell asked, "What are the improvements going to be to the outside?"

Mr. Bonner replied, "Just cosmetic and landscaping."

Mayor Miller asked, "The operation would be from 8-5 or 9-5?"

Mr. Bonner stated, "Yes, for the Administrator."

Councilmember Barnwell replied to Councilmember Haire, "I agree with you, but I made the motion to change it to O-I because I would not want to see it go commercial or business; I do not think this would harm the neighbor next door. I think it would if it were commercial."

Councilmember Rheney stated, "I think you will have a lot more coming and going with apartments."

We had a previous motion to change the Ordinance from Business Commercial to Office-Institutional.

A motion was made by Councilmember Jernigan, seconded by Councilmember Rheney, to cancel the Second Reading of an Ordinance to amend the Land Use Map of the City of Orangeburg, SC, for the purpose of changing from "Residential General District" to "Business/Commercial District" the property of Pruitt Properties, Inc. 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, SC and the Zoning Map of the City of Orangeburg to change the property of Pruitt Properties Inc. to Office Institutional. This was a 4-2 vote as Mayor Pro Tem Haire and Councilmember Knotts opposed.

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to approve the Third Reading of an Ordinance to annex property on St. Matthews Road belonging to Kinder Hillcrest, LLC for Parcel A at TMP#0174-14-01-010 and Parcel B at TMP# 0174-24-07-027 as Multi Family Residential. This motion was unanimously approved.

A motion was made by Councilmember Rheney, seconded by Councilmember Jernigan, to approve the Third Reading of an Ordinance to annex property belonging to South Carolina Healthcare Facilities, LLC., for property at 1748 St. Matthews Road at TMP#017414-06-007 ad commercial. This motion as 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.

Chief Wendell Davis accepted the Character Trait Proclamation for the month of June 2009, "Leadership".

A motion was made by Councilmember Jernigan, seconded by Councilmember Rheney, to approve the First Reading of an Ordinance amending the Personnel Handbook of the City of Orangeburg, SC., for the purpose of adopting new Federal regulations regarding the Family Medical Leave Act (FMLA). This motion was unanimously approved.

Councilmember Barnwell made a motion, seconded by Councilmember Jernigan, to enter into an Executive Session for a legal matter concerning the Department of Public Utilities Wastewater Division. This motion as unanimously approved.

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

A motion was made by Councilmember Knotts, seconded by Councilmember Barnwell, to approve a Resolution for acceptance of low bid for Water Main Rehabilitation along SC Highway 400 from Seaside Utilities, Inc., of Moncks Corner, SC in the amount of \$763,296.20. This motion was unanimously approved.

A motion was made by Councilmember Rheney, seconded by Councilmember Jernigan, to approve a Resolution for acceptance of low bid for improvements to the Wastewater Treatment Plant from M. B. Kahn Construction Company, Inc., in the amount of \$2,034,003.50. This motion was unanimously approved.

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to approve a Resolution for acceptance of low bid for rehabilitation of 42", 36" and 24" Gravity Sewers from Insituform Technologies, LLC of St. Louis, Missouri, in the amount of \$1,233,672.90. This motion was unanimously approved.

A motion was made by Councilmember Jernigan, 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



## City Council Minutes

### June 16, 2009

Orangeburg City Council held a Public Hearing on Tuesday, June 16, 2009, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. The purpose of the Public Hearing was to annex the within described property (Glenfield Apartments) Tax Map #0174-13-05-001 into the City of Orangeburg, South Carolina

City Administrator Yow addressed City Council on the proposed annexation outlining the process to date.

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  
Joyce W. Rheney

**ABSENT:**

Trelvis A. Miller

A motion was made by Councilmember Rheney, seconded by Councilmember Jernigan, to approve the June 2, 2009, City Council Minutes as distributed. This motion was unanimously approved.

A motion was made by Councilmember Rheney, seconded by Councilmember Jernigan, to approve the Third Reading of an Ordinance to amend Section 24-4.1, District Boundaries and Maps of the Code of Ordinances of the City of Orangeburg, SC, and the Zoning Map of the City of Orangeburg, Tax Map# 0173-14-07-012 to Office Institutional. This was a 4-2 vote as Mayor Pro Tem Haire and Councilmember Knotts opposed.

Mayor Pro Tem Haire asked City Administrator Yow, "How is the nursing home zoned?"

City Administrator Yow replied, "I believe it is commercial, but I'd have to check on it."

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 Municipal Council District Two (2). This motion was unanimously approved.

A motion was made by Councilmember Knotts, seconded by Mayor Pro Tem Haire, to approve the Second Reading of an Ordinance amending the Personnel Handbook of the City of Orangeburg, SC., for the purpose of adopting new federal regulations regarding the Family Medical Leave Act (FMLA). This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the appointment of Harry Holman, Public Works Department employee, to the City Grievance Committee. This is a three (3) year term expiring June, 2012. This motion was unanimously approved.

Concerning First Reading of an Ordinance to annex the within described property, Glenfield Apartments, Tax Map # 0174-13-05-001 into the City of Orangeburg, South Carolina, Councilmember Jernigan asked, "How many people live in the apartments?"

City Administrator Yow replied, "A complete census has not been done yet, but we estimate 250 people."

Councilmember Barnwell stated, "I have some concern about all of this annexation that we have been doing, it is all multi-family and residential. Now, these annexations will get reduced water and wastewater rates and get sanitation. I am concerned we aren't annexing any commercial properties or businesses. This will cost us more in finances."

City Administrator Yow responded, "We have covered this in Council Work Sessions in detail and Council has said at this time, they are taking a bigger approach to grow the city and that we would eventually get commercial properties. One of the reasons, we also passed the covenant language that anyone wanting water and sewer would have to sign a covenant meaning that when they become contiguous to the City they will be automatically annexed. In some cases, you are right; some properties coming into the city will actually save money and some will not. I have not run the bottom line numbers on this one. I don't know the number of cars on this one that will be paying property taxes. We can give you the real property. That is a concern that again, I will reiterate to Council during Budget Work Sessions."

Mayor ProTem Haire stated, "Isn't it true, in order to get where we want to be, we have to annex to get there?"

City Administrator Yow stated, "That is the position and philosophy that Council has taken up to this point. As we discussed earlier, the real crucial point will come when we will have to start adding personnel or sanitation trucks or equipment because of the annexation. We have not had to that yet. Of course, Council tells us to annex and we will continue to work on annexations."

Councilmember Barnwell asked, "Will this put us closer to our goal?"

City Administrator Yow replied, "Any annexation will do that. We are not at that point yet."

Mayor Miller stated, "We have been pretty dormant for a long time, we have been on a roll now. People understand the value of being in the city."

City Administrator Yow stated, "For the record, we have annexed some small commercial properties on Chestnut Street. Rental properties are not taxed at 4% rate, but at 6% rate; we hope that after we do some annexations, we will have some numbers under our belt to do better calculations. As you know when we annex a property it doesn't go on the tax roll for another year. It will depend on the time of the annexation as to when we actually start to collect taxes; however, their sanitation and other services start immediately."

Councilmember Jernigan stated, "This is another reason we need an accurate census."

City Administrator Yow replied, "That is another point. We do get money from the state on aid to subdivisions based on population. That is one of the things that have been cut 17%. If we annex 17% more, we are just breaking even. One thing I will point out on this one is this company has already paid their fire contract. They wanted to know if they were going to get a refund. We explained the tax situation and they understood that and weren't pushing it. We have received some revenue from these apartments."

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A motion was made by Councilmember Rheney, seconded by Councilmember Jernigan, to approve the Third Reading of an Ordinance to annex property belonging to South Carolina Healthcare Facilities, LLC., for property at 1748 St. Matthews Road at TMP#017414-06-007 ad commercial. This motion as 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.

Chief Wendell Davis accepted the Character Trait Proclamation for the month of June 2009, "Leadership".

A motion was made by Councilmember Jernigan, seconded by Councilmember Rheney, to approve the First Reading of an Ordinance amending the Personnel Handbook of the City of Orangeburg, SC., for the purpose of adopting new Federal regulations regarding the Family Medical Leave Act (FMLA). This motion was unanimously approved.

Councilmember Barnwell made a motion, seconded by Councilmember Jernigan, to enter into an Executive Session for a legal matter concerning the Department of Public Utilities Wastewater Division. This motion as unanimously approved.

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

A motion was made by Councilmember Knotts, seconded by Councilmember Barnwell, to approve a Resolution for acceptance of low bid for Water Main Rehabilitation along SC Highway 400 from Seaside Utilities, Inc., of Moncks Corner, SC in the amount of \$763,296.20. This motion was unanimously approved.

A motion was made by Councilmember Rheney, seconded by Councilmember Jernigan, to approve a Resolution for acceptance of low bid for improvements to the Wastewater Treatment Plant from M. B. Kahn Construction Company, Inc., in the amount of \$2,034,003.50. This motion was unanimously approved.

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to approve a Resolution for acceptance of low bid for rehabilitation of 42", 36" and 24" Gravity Sewers from Insituform Technologies, LLC of St. Louis, Missouri, in the amount of \$1,233,672.90. This motion was unanimously approved.

A motion was made by Councilmember Jernigan, 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



**City Council Minutes**  
**Special Meeting**  
**July 7, 2009**

Orangeburg City Council held a Special City Council meeting on Tuesday, July 7, 2009, at 12:00 Noon in the Council Chambers Building with Mayor Miller presiding.

**PRESENT:**

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

**ABSENT:**

**Charles B. Barnwell**  
**Charles W. Jernigan**  
**Trelvis A. Miller**

Meeting was called to order by Mayor Paul A. Miller.

Mr. John Singh, Assistant City Administrator was formally introduced to Council.

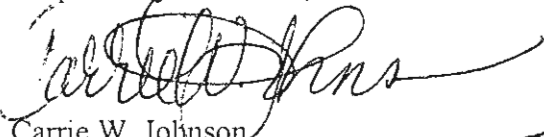
A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Rheney, to approve the First Reading of a Series Ordinance making provision for the Terms and Conditions of Combined Public Utility System Revenue Borrowing of the City of Orangeburg, SC, authorized by a Bond Ordinance of the City of Orangeburg adopted January 20, 2004; approving the financing of system improvements for the City through the borrowing of, not exceeding, \$982,514 plus capitalized interest, if any, from the State Drinking Water Revolving Loan Fund. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Knotts, to approve the First Reading of a Series Ordinance making provision for the Terms and Conditions of Combined Public Utility System Revenue Borrowing of the City of Orangeburg, South Carolina, authorized by a Bond Ordinance of the City of Orangeburg adopted January 20, 2004; approving the financing of system improvements for the City through the borrowing of, not exceeding, \$4,280,163 plus capitalized interest, if any, from the State Water Pollution Control Revolving Fund. This motion was unanimously approved.

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

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson  
City Clerk

CWJ/pfb



**CITY COUNCIL MINUTES**  
**July 14, 2009**

Orangeburg City Council its regularly scheduled meeting on Tuesday, July 14, 2009, at 7:00 P.M., in the Council Chamber Building with Mayor Miller presiding.

**PRESENT:**

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

**ABSENT:**

Trelvis A. Miller

Mayor Miller recognized members of Boy Scout Troop 45.

A motion was made by Councilmember Rheney, seconded by Councilmember Jernigan, to approve the June 16, 2009, minutes as distributed. This motion was unanimously approved.

A motion as made by Mayor Pro Tem Haire, seconded by Councilmember Rheney, to approve the July 7, 2009, Special City Council minutes as distributed. This was a 4-0-2 vote as Councilmembers Barnwell and Jernigan abstained because they were not present at the meeting.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the Third Reading of an Ordinance amending the Personnel Handbook of the City of Orangeburg SC, for the purpose of adopting new federal regulations regarding the Family Medical Leave Act (FMLA). This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Knotts, to approve the Second Reading of an Ordinance to annex the within described property, Glenfield Apartments Tax Map #0174-13-05-001 into the City of Orangeburg, South Carolina. This motion was unanimously approved.

A motion as made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, 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.

Mr. Don Tribble accepted the Proclamation Character Trait for the month of July 2009, "Integrity".

City Administrator Yow presented Council with the bid results from the audit request for proposals. The requests and recommendations were discussed. He stated, "I have provided a tabulation of the bid sheets and the request for proposals were sent out by the Department of Public Utilities and Mr. Billy Beeks sent these requests out from DPU. I also provided to you a copy of an email from Mr. Beeks recommending that we go with the second lowest bid from J.W. Hunt. J. W. Hunt has done the City and DPU's audit before some years ago. They have extensive utility experience and I'd like to point out that they are \$4,200.00 higher than the low bid, being \$128,200.00 versus \$124,000.00. The Thompson, Price, Scott and Adams is a firm out of North Carolina. I believe it makes a lot of sense to award the bid to a firm closer than that and one that has extensive utility auditing experience. I concur with the recommendation to award to bid to J.W. Hunt."

Councilmember Barnwell asked, "Hasn't C. C. McGregor done our audit in the past?"



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City Administrator Yow replied, "They were not our past auditor, but the one previous to that one. As you know, the City every three to five years, bids this out which is recommended."

Councilmember Barnwell asked, "Why is there such a difference in the pricing of McGregor of the second and third bid?"

City Administrator Yow replied, "Each firm decides on what their costs will be, so I really can't answer that for you."

Councilmember Barnwell asked, "Since they are a local company, I'd like to see that the business stay local with C.C. McGregor. Councilmember Rheney concurred."

Mayor Miller replied, "I wouldn't be inclined to spend another \$30,000.00 particularly since J.W. Hunt has done the audit before."

Councilmember Barnwell stated, "So has McGregor. I'd just like to keep it local."

Councilmember Rheney asked, "Do the Hunt's have an office in Orangeburg?"

City Administrator Yow replied, "No"

Mayor Miller stated, "Mr. Beeks has worked with Hunt and McGregor and I assume you picked them because of the price?"

Mr. Billy Beeks from the Department of Public Utilities replied, "Yes."

Mayor Pro Tem Haire made a motion that we accept the recommendation by staff to award the audit contract to J.W. Hunt, seconded by Councilmember Rheney. This motion was unanimously approved.

A motion was made by Councilmember Barnwell, Seconded by Mayor Pro Tem Haire, to approve the Second Reading of a Series Ordinance making provision for the Terms and Conditions of Combined Public Utility System Revenue Borrowing of the City authorized by a Bond Ordinance of the City adopted January 20, 2004; approving the financing of system improvements for the City through borrowing of, not exceeding, \$982,514 plus capitalized interest, if any, from the State Drinking Water Revolving Loan Fund. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Rheney, to approve the Second Reading of a Series Ordinance making provision for the Terms and Conditions of a Combined Public Utility System Revenue Borrowing of the City authorized by a Bond Ordinance of the City adopted January 20, 2004; approving the financing of system improvements for the City through the borrowing of, not exceeding, \$4,280,163 plus capitalized interest, if any, from the State Water Pollution Control Revolving Fund. This motion was unanimously approved.

Mayor Pro Tem Haire asked for a moment of personal privilege. He stated, "I would like to address some problems with SCDOT. Mrs. Haynes who lives on Russell Street, and I believe the Public Works Department has been assisting her, lives about a block from Maxcy Street toward Whittaker Parkway. She has had problems with drainage causing her yard to be flooded. Any time it rains for a number of days, there will be 1/2" to 3/4" of rain in her yard and there are drains on Maxcy Street that is supposed to take this rain water off the street. However, I have noticed that the SCDOT has placed signs on Maxcy alerting citizens about water on the road. She needs some relief as it relates to this water. A couple of days after it rains, you can ride by and see what I am talking about. I would like Council to ask SCDOT to give her some relief. The line on Russell Street has collapsed and they have not solved the problem."

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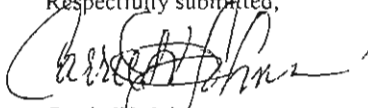
Mayor Pro Tem Haire also stated in reference to the SCDOT, "On Russell Street and Highway 601, some time ago there was an agreement, and I believe Mayor Cheatham was here at that time, about the number of seconds as to the time the traffic light should stay green. The traffic on Highway 601 (Magnolia) is continuously moving and the traffic on Russell and Boulevard Streets has to wait. Those persons on Russell and Boulevard Streets are just as important as those on 601. I would like for Council to ask SCDOT to adjust the cycle as it relates to the time lapsing so people can pass through. I would hope that Council would agree that we ask City Administrator Yow to have SCDOT to correct these problems."

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to ask the City Administrator to meet with SCDOT to make corrections in the drain line on Maxcy Street and also to reduce the amount of wait time on Russell Street to allow motorists less wait time and to improve traffic flow at the intersection of Russell and Highway 601. This motion was unanimously approved.

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

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson  
City Clerk

CWJ/pfb





## RESOLUTION

A RESOLUTION AUTHORIZING THE MANAGER OF THE DEPARTMENT OF PUBLIC UTILITIES OF THE CITY OF ORANGEBURG TO EXECUTE AN AGREEMENT BETWEEN THE DEPARTMENT OF PUBLIC UTILITIES OF THE CITY OF ORANGEBURG AND THE SOUTH CAROLINA ELECTRIC & GAS COMPANY, INC. FOR THE PURPOSE OF FURNISHING ELECTRIC CAPACITY AND 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 South Carolina Electric & Gas Company, Inc. enter into an agreement extending an existing agreement for furnishing electric capacity and energy between South Carolina Electric & Gas Company, Inc. and the City of Orangeburg ending December 31, 2012;

**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

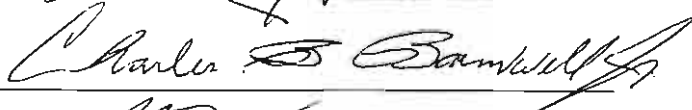
**BE IT FURTHER RESOLVED**, that Fred H. Boatwright, Manager of the Department of Public Utilities, be authorized and he is hereby directed to execute the contract documents on behalf of the Department of Public Utilities and the City of Orangeburg.

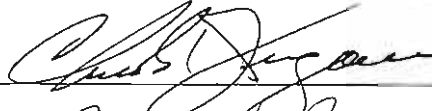
**RESOLVED BY** City Council duly assembled this 18<sup>th</sup> day of August 2009.



  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_

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

ATTEST:  
  
CITY CLERK

MINUTESCity Council Budget Workshop  
July 28, 2009

Orangeburg City Council held a Budget Workshop Meeting on Tuesday, July 28, 2009, at 5:30 P.M. in the City Council Building.

## PRESENT:

Paul A. Miller, Mayor  
Bernard Haire  
Joyce W. Rheney  
Sandra P. Knotts  
Charles B. Barnwell  
Charles W. Jemigan  
John H. Yow, City Administrator  
John D. Singh, Assistant City Administrator  
Carrie W. Johnson, Finance Director  
Fred Boatwright, DPU Manager  
Mike Sells, DPU Administration Manager  
Phil Sarata, T&D

## ABSENT:

Trelvis A. Miller

City Administrator Yow briefed Council on our medical/dental plan insurance and what we have spent on insurance in the last ten years. He overviewed our relationship with SCLGAG and what benefits they have provided to us. He then turned the meeting over to Mike Sells from the Department of Public Utilities.

Mr. Mike Sells, Administration Manager from the Department of Public Utilities, addressed Council and provided a power point presentation on the recommendations from the City and the Department of Public Utilities on health/dental insurance, retiree's coverage, GASB 45 and future post employment benefits. (See Attached Presentation).

A discussion was held on quotes and insurance agents and guaranteed rates for insurance and where we started and where we are now with our current carrier.

Rates were discussed on SCLGAG self insured, SCLGAG modified pool and Blue Cross/Blue Shield.

Councilmembers were asked to think on the presentation and come back with questions the next night.

City Administrator Yow went over the year end projections for FY 2008-09 for the General Fund, Airport, Hillcrest and Pro Shop. He stated, "We anticipate using \$124,480 of cash reserve to balance the budget. This also included capital cuts, holding several positions open during the year and cutting costs across the board.

Meeting was adjourned.

Respectfully submitted,

*Carrie W. Johnson*

Carrie W. Johnson  
City Clerk

CWJ/pfb



**MINUTES****City Council Budget Workshop  
July 29, 2009**

Orangeburg City Council held a Budget Workshop Meeting on Wednesday, July 29, 2009, at 5:30 P.M., in the City Council Building.

**PRESENT:**

Paul A. Miller, Mayor  
 Bernard Haire  
 Joyce W. Rheney  
 Sandra P. Knotts  
 Charles B. Barnwell  
 Charles W. Jernigan  
 John H. Yow, City Administrator  
 John D. Singh, Assistant City Administrator  
 Carrie W. Johnson, Finance Director  
 Phil Sarata, T&D

**ABSENT:**

Trelvis A. Miller

City Administrator Yow asked Council if there were any questions on last night's presentation or any data

Projected year end summary for FY 2008-09 was mentioned from the night before. A \$400,000 fund balance was budgeted. We projected using \$124,480 fund balance. To accomplish this we deferred many capital items and left positions unfilled. An Executive Summary was passed out by the City Administrator to all in attendance and went over all revenue and expenditure highlights and noted that at present we anticipate using \$234,479 in cash reserve to balance the FY 2009-10 Budget. Note: This was later adjusted to \$355,807 to cover cost of adding a fire truck.

The Revenues were highlighted in detail noting that there was a 3 mill tax increase, a 3.8% increase in commercial sanitation, an increase in business license penalties and an increase in penalties found working without a license, as well as a \$.50/\$1.00 increase in cart fees at Hillcrest Golf Course.

**TOTAL GENERAL FUND BUDGET**

\$16,342,088 Revenues

\$16,342,088 Expenditures

\* Includes Operational and General Fund Capital

Does not include 2% Hospitality/Accommodations or County Capital 1%, which are separate funds

**REVENUE HIGHLIGHTS**

3 mill tax increase, \$100,000 (Note: Rollback 4 mills last year to 87 mills for this year)  
 Interest income down \$300 - \$400,000  
 No Fire Contract Fee increase  
 No Business License rate increase/increase in penalties  
 Increase in Commercial Solid Waste Fee-County increased Tipping Fee  
 No change in Residential Solid Waste Fee  
 No change in DPU Transfer  
 \$234,479 Cash Reserve Budgeted—later adjusted to \$355,807  
 Accommodations/Hospitality Tax Flat  
 Several hangars still vacant; fuel sales down  
 \$1.00 per round increase in cart fee  
 Reduction in Local Government Fund \$75,000  
 Industrial Tax Reassessment \$60,000 reduction

**EXPENDITURE HIGHLIGHTS**

Continue with residential recycling  
 Continue with Commercial Solid Waste collection  
 No cost of living raises  
 No merit raises  
 No furloughs or layoffs  
 Change Health Insurance Provider  
 No new positions

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Cut seven (7) positions City wide  
County Increased Solid Waste Fee  
Utility costs increased  
Moved several items to Hospitality/Accommodations Fund  
Transferred \$190,000 to General Fund from Hospitality/Accommodations Fund  
Very small capital funding- approximately \$250,000  
No fire trucks/garbage trucks/sweepers  
Have held or reduced most line items for several years  
Fuel costs stabilized for now  
Have not addressed GASB 45  
Lease purchase for approximately \$225,000

CAPITAL EQUIPMENT

Police Cars  
Pick-ups  
Lawn Movers  
Tractor  
Garage Vehicle Lift  
Trailer  
Copiers  
No Fire Truck, Garbage Truck, Sweeper, Dump Trucks, Backhoes

Councilmember Barnwell asked about the Industrial Park and the Chamber Building.

City Administrator Yow noted that a fire truck is needed and it could possibly be funded by a grant; however, we would like to include it in this year's budget. He stated we could add the money to capital and for other financing and it would increase our cash reserve numbers needed to balance budget, approximately \$125,000.00. If we did not need it, we wouldn't. All of Council was in agreement with this

It was discussed also that there was no cost of living increase budgeted in this budget year and from our records since 1988; there has been a cost of living increase. There were no merits budgeted; however, we have not implemented any furloughs or layoffs.

An overview of the capital equipment that is anticipated to be purchased was presented. All of Council was in agreement with the budget as presented. The 2% Capital/Operating Fund was also discussed.

Meeting was adjourned.

Respectfully submitted,

  
Carrie W. Johnson  
City Clerk

CWJ/plb



## CITY COUNCIL MINUTES

August 4, 2009

Orangeburg City Council held its regularly scheduled meeting on Tuesday, August 4, 2009 at 7:00 P.M., in the Council Chamber Building.

**PRESENT:**

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

**ABSENT:**

**Sandra P. Knotts**  
**Trelvis A. Miller**  
**Charles W. Barnwell**

A motion was made by Councilmember Jernigan, seconded by Councilmember Rheney, to approve the July 14, 2009, 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 Third Reading of an Ordinance to annex the within described property, Glenfield Apartments Tax Map # 0174-13-05-001 into the City of Orangeburg, SC. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Rheney, to approve the Third Reading of an Ordinance to amend the Municipal District Map dated November 6, 2001, for the purpose of adding newly annexed city property to Municipal Council District Two (2)

City Administrator Yow addressed Council, "As you know this item, the permanent closure of Gibson Street has been on prior agendas, November 18, 2008 and February 17, 2009. There were questions from City Council such as encroachment permits, DOT's review and some agreement with St. Paul's Methodist Church to work out a driveway to be cut and the driveway to be installed by the County. I have attached the entire file for you to review. In keeping with state law the County filed legal papers to close the street and Attorney Walsh states we have not consented to this. If the City elects to consent to this it needs to be contingent on an amended utility right-of-way for DPU. Attorney Walsh has informed me that we do have a signed utility right-away and it does need to be amended. DPU Manager Boatwright is aware of this.

Councilmember Jernigan asked, "If the City Attorney has to do an amendment, should we wait?"

City Attorney Walsh replied, "I can handle this with the court if Council gives the consent. If we don't get the right-of-way, we won't consent."

Mayor Miller stated, "It is time for us to move on with this; it has drag on long enough with the provision that the City Administrator's documentation will meet all the necessary requirements."

Mayor Miller made a motion to grant the closure of Gibson Street upon the condition that the City gets an acceptable utility right-of-way on behalf of the Department of Public Utilities. This motion was seconded by Councilmember Rheney and unanimously approved.

Mayor Miller stated, "We could have had this done a year ago if the County would have done what they should have done and this is what Judge Jimmy Williams told them to do, to file a lawsuit and follow procedures and they did not. In the spirit of cooperation

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between the City and the County, I am pleased that we are moving forward with this and that we can move on to more important things. I have talked with the church and they are satisfied with the fifteen foot (15') one-way driveway."

Mr. Don Tribble, Director of Community of Character, accepted the August 2009 Proclamation, "Supportive".

City Administrator Yow addressed Council in regards to the City's Amended Budget for FY 2008-09. He stated, "We anticipate using \$124,480 in fund balance this year; we budgeted \$400,000. As you know, we did not purchase all of our capital items that were budgeted this year; we held positions open and cut costs. We will continue to monitor the expenses the last two months."

A motion was made by Councilmember Rheney, seconded by Mayor Pro Tem Haire, to approve the First Reading of an Ordinance amending the Budget for the City of Orangeburg, SC for fiscal year beginning October 1, 2008 and ending September 30, 2009. This motion was unanimously approved.

City Administrator Yow addressed Council in regards to the City Budget for FY 2009-10. He highlighted the revenue and expenditure. He stated, "As Council knows there is a thorough article in the Times and Democrat today that discusses most of this, but I will go over it once more. We are proposing a three (3) mill tax increase, which amounts to almost \$100,000.00. As you know last year, we rolled back four 4 mills. We were at 88 last year. With 3 mill increase we will be at 87 mills. There is no fire contract increase in this budget. Some of the things that have affected the budget are the decrease in investment income of almost \$400,000.00. There is no business license rate increase, but there will be an increase in penalties and we hope not to collect any penalties. There is an increase in the commercial solid waste fee due to the County increasing the tipping fee. There is no change in the residential sanitation rates and no change in the DPU transfer. There has been a reduction in the Local Government Fund from the state, resulting in a \$75,000.00 revenue cut. There is a proposed rate increase in the Hillcrest Golf Course for cart fees by \$1.00 for 18 holes. Going through the expenditure highlights, we discussed whether to continue curbside recycling and commercial sanitation. We have left those services in our budget. There are no cost-of-living increases or merit increases in this budget; however, there are no layoffs or furloughs. This has been the first time in over twenty-two years that there is no cost-of-living budgeted. There are no new positions proposed and in fact we have eliminated seven vacant positions in this budget. We do anticipate making substantial changes to our health insurance plan. This year we have a very small capital funded, about \$775,000.00, which \$550,000.00 is a fire truck in which we added in case we need to be prepared to buy. We have had very small capital the last two years. We continue with the Hospitality & Accommodation Tax Fund being flat but not decreasing that list is in your budget book. We do anticipate using \$355,807 in cash reserve."

Councilmember Jemigan commented that we have a good staff that has proven their merit and risen to the top with very little to work with, I commend you and thank you.

A motion as made by Mayor Pro Tem Haire, 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, 2009 and ending September 30, 2010. This motion was unanimously approved.

A motion as made by Councilmember Jemigan, seconded by Mayor Pro Tem Haire, to appoint Joseph Keitt and Frances Faulling to a three (3) year term on the Hillcrest Commission and Lynette Rhoad and Marion Moore to a two (2) year term on the Hillcrest Commission. This motion was unanimously approved.

A motion was made by Councilmember Jemigan, seconded by Mayor Pro Tem Haire, to approve the Third Reading of a Series Ordinance making provision for the Terms and



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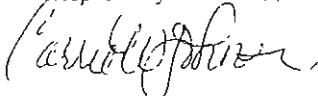
Conditions of Combined Public Utility System Revenue Borrowing of the City authorized by a Bond Ordinance of the City adopted January 20, 2004; approving the financing of system improvements for the City through borrowing of, not exceeding,

\$982,514 plus capitalized interest, if any, from the State Drinking Water Revolving Loan Fund. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire and Councilmember Rhoney, to approve a Third Reading of a Series Ordinance making provision for the Terms and Conditions of a Combined Public Utility System Revenue Borrowing of the City authorized by a Bond Ordinance of the City adopted January 20, 2004; approving the financing of system improvements for the City through the borrowing of, not exceeding, \$4,280,163 plus capitalized interest, if any, from the State Water Pollution Control Revolving Fund. This motion was unanimously approved.

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

Respectfully submitted,



Carrie W. Johnson  
City Clerk

/pfb



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

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Orangeburg City Council held a Special Session Meeting on Tuesday, August 11, 2009, 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  
Sandra P. Knotts  
Joyce W. Rheney

ABSENT: Trelvis A. Miller, Sr.

Mayor Miller opened the meeting by thanking everyone for attending the special called meeting in August to discuss the Department of Public Utilities budget.

Mayor Miller requested the order of items on the agenda be changed and that Council consider the Executive Session items first. Mayor asked for a motion to go into Executive Session to discuss the purchase of real property and a contractual matter with the Electric Division and then return to open session. A motion was made by Councilmember Barnwell, seconded by Councilmember Rheney. This motion was unanimously approved.

After Executive Session Mayor Miller asked for a motion to return to regular session. A motion was made by Councilmember Rheney, seconded by Councilmember Barnwell. This motion was unanimously approved.

Mayor Miller asked O. Thomas (Tommy) Miller, Director of the Gas Division to come forward. Mayor Miller stated to Director Miller that he noticed in the newspaper that he had been named Chairman of the American Public Gas Association. He congratulated Director Miller. Mayor Miller stated over the years DPU has had numerous Directors who have taken active rolls in various Divisions and he felt this was a credit to DPU. Director Miller thanked the Mayor for his kind words and stated he felt the real credit goes to City Council and Manager Boatwright and thanked them for their support and for their trust. Manager Boatwright also congratulated Director Miller and added that this Director Miller is the first South Carolinian to serve as the Chairman of the American Public Gas Association. A copy of the first article written by Director Miller was giving to Council. Manager Boatwright also brought to Council's attention an article written by John B. Bagwell, Director of the Electric Division that was published in the Transmission Distribution Magazine a few months ago. He informed Council that the article was about DPU's distribution automation system and reminded them that it was a capital project presented in last year's budget.

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 expressed to Mayor and Council that he wished to present to them a proposed budget for the City of Orangeburg's Department of Public Utilities for Fiscal Year 2009-2010. Manager Boatwright said on a personal note this has been the most difficult budget that he has tried to put together in his tenure as Manager of the Department of Public Utilities. He stated the proposed budget reflects changes in the cost of purchased power per our purchase agreement and amendments with South Carolina Electric and Gas Company, anticipated cost of natural gas off the market and the increased costs of providing water and wastewater services.

He stated decreased sales in all four of the Department's utility services is a reality in this current fiscal year mainly caused by a severe drop in industrial sales. The Department anticipates this trend to continue into Fiscal Year 2009-2010. Manager Boatwright stated the Department's growth is static or negative, and decreased sales mean decreased revenues. He also stated business is down approximately 17% from last year. This budget reflects anticipated changes as follows:

**Electric Division** – The Electric Division anticipates an approximate 7% decrease in sales, even though our contractual purchase costs are 3% higher than last year

197 (\$68-million dollars projected in the upcoming year as compared to \$72-million dollars projected as present fiscal year). These predictions are based on stable fuel costs of approximately \$32/mega watt hours. The Department cannot predict fuel costs because fuel costs that we incur from our supplier are a direct pass through to our customers, so the net effect on our bottom line is zero. He explained that this can and does have a significant impact on the price our customers have to pay. He stated the good news is that he does not does not anticipate any changes in our electric rates in this coming year.

**Gas Division** – The Gas Division is predicting a negative growth of 8.9% in sales based on the present rates (\$15.5 million dollars in 2008-2009 as compared to \$14.1 in 2009-2010, but anticipates the income will remain relatively stable because of a rate change that he is proposing in this budget for natural gas. Manager Boatwright recommended a rate increase a 5.9% for natural gas for the Department's residential customers. He stated this proposed rate will change the average residential customer's bill (this is based on 75 therms) by \$4.88/month. He stated the last rate change for the Natural Gas Division was in 2002 and even with the proposed increase, the Department will remain among the lowest cost providers of this service in the State.

Manager Boatwright outlined a summary of proposed natural gas rate changes by customer class: Residential (5.9% increase) Commercial (7.3% increase) and Firm Industrial (6.7% increase). This will generate approximately \$600,000 over the next year.

**Water Division** – The Department is predicting a negative growth in the Water Division of approximately 11.8% due to loss of sales in all categories, but primarily in the industrial sector. The cost of operating and maintaining our water system continues to rise. The rapidly increasing costs are primarily due to increased chemical costs, depreciation costs and regulatory changes. Manager Boatwright stated he is requesting a 5% increase in water rates for customers inside the city limits and an increase in the outside rates to keep them twice the inside rates. This will mean an increase of \$0.57/month for our inside the city customers and \$1.14/month for our outside city customers. Even with the proposed rate increases, we will remain among the lowest providers of this service in the State and well below the State average in both cases. Manager Boatwright stated that he hopes business will pick up and that these trends are going to reverse, but that he cannot predict this.

**Wastewater Division** – The Wastewater Division is anticipating an approximate 4% negative growth compared to the actual of 2007-2008 of \$4.6 million dollars to \$4.2 million dollars under the current rates projected for 2009-2010 which are spread across all customer categories but again primarily in the industrial sector. The cost of operations continues to increase (anticipated 2% higher than inflation). This is mainly due to the aging infrastructure at the Wastewater Treatment Plant. He reminded Council that they already authorized the Department to enter into an SRF Loan to rehab the 30-year old facility, which hopefully over time will help decrease and off-set some of these costs. He stated that in the recent past the Department was able to off-set increased cost with customer growth, a trend that lately we are seeing reversed. The Department actually has fewer wastewater customers and fewer water customers than we had a year ago at this time. The Department does anticipate a negative customer growth in the coming year. Included in the budget ordinance for this year is a proposed 5% increase in wastewater rates for inside the City customers and an increase of the outside the City customers rates to make them and keep them twice the inside rates. The proposed rate will increase by \$0.80/month for our inside the City customer's bill and \$5.20/month to our outside the City customer's bill. He explained the last time the Department changed rates was in 2006. We did not double the rates for wastewater on the service charge, but did on the commodity charge. The Department is correcting this, and this explains why the outside city customers is higher than the inside city customers.

Mayor Miller asked if this would affect everybody, homeowners, and commercial. Manager Boatwright replied, yes this will affect everybody, because everybody pays a service charge.

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Manager Boatwright stated in summary, the proposed budget for the Capital Projects for Fiscal Year 2009-2010 is going to be 42% less than last year. He stated compared to the last ten (10) years, that we are proposing substantially less, because we have less. The Department's interest income is down from what it was over the past year and that is because there is less money in the bank and less interest drawing on that money. The Department anticipates no tap or impact fee changes, or other

administrative fees changes. No cost of living raises or merit raises are proposed. The Department does not anticipate any layoffs or furloughs and this is a good thing. We are not going to add any new positions in the coming year and the Department anticipates major changes in our health insurance plans, both for our active employees and for our retirees to economize and reduce our GASB liability. 971

Manager Boatwright stated there is one (1) new capital project each anticipated for the Electric and Water Divisions and there is one (1) carry over project each for the Administrative, Natural Gas and Wastewater Divisions (which you have already approved).

He explained that when you approve budgets, these capital expenditures are not always spent that year. Some of them, such as the current Wastewater Project have been going on now for three years. We have spent very little money on it, because we just did not have the money available, and that is the same this year. We try to exercise good judgment and spend only when we have the money. He further explained that he feels this is a sound and responsible budget proposal that does unfortunately have some rate increases. He expressed no one hates rate increases as much as he does, but that Council trusts him to run a business for them and that it is his job to recommend what he feels is best for that business. He stated no cost of living or merit increases for our employees; significant savings from changes in health insurance coverage and a 42% reduction in proposed capital spending will help to continue to provide the Department with the resources necessary to continue to meet its obligations of:

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

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  
Gas Division..... O. Thomas Miller, Director  
Water Division..... D. Eric Odom, Director  
Wastewater Division..... Richard M. Labrador, Director

#### **ADMINISTRATION DIVISION PROJECT**

##### **Project #1 - Administrative Communications Improvements**

Total Project Cost:	\$ 350,000
Expenditures to Date:	\$ 0
Estimated 2009-2010 Cost:	\$ 350,000

Administrative Division Director Michael G. Sells presented the continuation of an approved/ongoing project. He stated the purpose of this project is to improve the Department's existing network and telephone system for enhanced custom service and redundant protection. The Department's telephone system is ten years old and while functional it has two serious deficiencies. First, it lacks the ability to monitor call availability. The improved system will allow key personnel such as the receptionist, customer service supervisor and secretaries to monitor telephone traffic so they can be routed properly. Second, the system has no redundant protection. If the Department were to lose the telephone system or the main office to a catastrophic event, all facilities of the Department could be without telephones for weeks. The improved system will allow all telephone traffic to be routed within hours to the Operation Center on Sprinkle Avenue, which has space, computers and telephones to continue connectivity to customers. The cost of this project is \$350,000. These funds may or may not be spent in the upcoming year.

Mayor Pro Tem Haire asked "with this new system how much more automation, and is there going to be live body and live voice"? Director Sells replied, "no changes in automation is expected from the customer's point of view, we actually want to have monitoring to make sure we have enough agents always available, so that they can get live bodies answering. We are not planning on giving a number of menus where you choose one and then one again and one again, it will be the same level of automation that we have now, and we want to make sure there are plenty of people to answer the phone. At the present time, we are blind, we cannot see how many people are available to answer calls".

197 Mayor Miller asked "how many phones do we have". Director Sells answered, "150 phones, it is a very complicated phone system. We have 23 trunks and we just ordered 23 more to relieve the congestion. There are many days on Monday mornings and Friday afternoons that all 23 trunks are tied up".

#### ELECTRIC DIVISION PROJECTS

##### Project #1 - Medium Voltage Breaker and Relay Replacement

Total Project Cost:	\$ 910,000
Expenditures to Date:	\$ 0
Estimated 2009-2010 Cost:	\$ 710,000

Electric Division Director John B. Bagwell presented one (1) new proposed project. He stated the project is to improve the Electric Division's substation and distribution plant by upgrading the existing substations with electronically controlled relays and breakers. The rationale behind this is that the substations located in and around the City are extremely old. The equipment in Substations #2, #4, #5, #6, #7, and #9 is vintage late 1950's and early 1960's. The equipment at Substations #1 and #12 was put in service in the late 1960's. This dates the equipment in each substation to an average of over 50 years old. Changes in operating procedures, new regulations and maintenance costs have and continue to challenge DPU personnel to keep these older pieces of equipment in service. With the average age of the equipment over 50 years, parts are becoming more and more rare and expensive to find. New regulations dealing with personnel protection has forced the Electric Division to change restoration plans and maintenance plans. Compliance with regulations on safety tagging such as hot line tag cannot be achieved using the existing equipment.

The Electric Division plans to replace all relay and breaker equipment in the substations previously mentioned. The Electric Division will write specifications and bid documents in house to eliminate outside consultant fees. The Electric Division will also use its personnel for the removal of the old and installation of the new equipment where possible. The Department plans to stage the installation over the next 12-months. The cost associated with this project is \$910,000. The estimated cost including material, equipment and labor for the 2009-2010 fiscal year is approximately \$710,000.

Councilmember Joyce Rheney asked "what will be done with the \$200,000?" Director Bagwell replied "sometimes a project will take longer than the fiscal year. We feel this project is going to take 12-months, and we don't think we will spend all the funds during this fiscal year. These funds may be carried over to the next fiscal year"

Mayor Miller asked "what will the Department do with the scrap, will we sell it for salvage value?" Director Bagwell replied "we could sell the old items as scrap metal, but the equipment is 1950's and 1960's and I don't think anyone wants the equipment, so I think it is all scrap metal. We will check because some of the parts are valuable and it is possible we will sell the contacts and relays".

#### GAS DIVISION PROJECTS

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

Total Project Cost:	\$ 610,000
Expenditures to Date:	\$ 0
Estimated 2009-2010 Cost:	\$ 610,000

Gas Division Director O. Thomas Miller (Tommy) presented the continuation of an approved/ongoing project. He stated the project involves constructing 15,200 feet of 6-inch high-pressure gas main on Big Buck Boulevard. The benefits of this project are to provide gas to the rear of the County/City Industrial Park. It will also provide gas to another proposed industrial site and also be an immediate benefit that would serve a very large poultry operation which presently uses propane gas, but is interested in using natural gas. This customer would be an almost immediate customer on this line. The cost of the project is \$610,000 and the Department may or may not spend this during this fiscal year.

Mayor Pro Tem Haire asked "what would be the determining factor as to whether or not this will be spent during this fiscal year?" Director Miller replied "whether we have the money to spend or not". He further stated that last year the Department did not feel it could spend the funds and that is why it is here again this year.

## WATER DIVISION PROJECTS

### Project #1 - Relocation and Upgrade Highway 4/400 Booster Pump Station

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Total Project Cost:	\$ 950,000
Expenditures to Date:	\$ 0
Estimated 2009-2010 Cost:	\$ 950,000

Water Division Director Eric Odom stated the Water Division has one (1) new project for the upcoming fiscal year; the relocation and upgrade of the Highway 4/400 Booster Pump Station. This is the second phase in a two-phase project. The first phase of this project which was approved last year was the installation of a new 12-inch ductile iron water main that is being installed along Highway 400. The Department was able to obtain SRF funding for that phase of the project, which now allows us to work on the second-phase in the upcoming fiscal year. The purpose of this project is two-fold: one is to provide additional finished water capacity to the Bolentown pressure zone; two is to provide improved reliability to all of our customers, both retail and wholesale, served by the Bolentown pressure zone.

Director Odom went on to explain the ever increasing demands due to growth and projections contained within the Water Supply Master Plan and more recent the West Orangeburg Water Study, and the need for additional capacity for the Bolentown pressure zone. The coverage area of the Bolentown pressure zone is much larger than the Department's other pressure zones. Currently served by the Bolentown pressure zone is not only the Town of Cope and Cordova, but also approximately 2,700 services in this territory and it also serves the Department's two wholesale customers (Town of Norway and Silver Springs Water District). Additionally, the existing booster pump station that supplies the water to the Bolentown tank has reached its maximum pumping capacity and its useful design life.

The situation is further complicated by the fact that the suction line supplying the Booster Pump Station is also insufficient to keep up with the growth and demand in the area, a situation which critically limits the development of additional capacity through the pump station and through the delivery systems to the tank.

The overall master plan for the elimination of existing problems in the system and provisions for continued growth has two major phases: first is increasing the reliability and capacity of the delivery system to the tank, which is about to begin, and that is the 12-inch ductile iron water main that is along Highway 400 and the second is adding additional pumping capacity at the same time while addressing the inadequacies of the suction side of the existing pump station.

The plan for the second phase of this project is to relocate the two existing pumps presently located at the intersection of Highway 4/400. With the relocation of the two existing pumps and providing for the future addition of a third pump will allow for an increase in pumping capacity by relocating the pump station to a lower elevation and prior to the high point of the suction line we are in turn able to correct the suction side issues of the pump station while increasing its pumping capacity. The total cost of this project is \$950,000, which we may or may not spend in the upcoming fiscal year.

## WASTEWATER DIVISION PROJECTS

### Project #1 - Whitford Stage Creek Pump Station Upgrade

Project Cost:	\$1,125,000
Expenditures to Date:	\$ 50,852
Estimated 2009-2010 Cost:	\$1,074,148

Wastewater Division Director Richard M. Labrador presented no new projects for the upcoming fiscal year and one (1) continuation, the Whitford Stage Creek Pump Station Upgrade. He explained this project consists of approximately 2-miles of 16-inch force main and some pump station modifications to accommodate the flows associated with the expansion and growth in the Whitford Stage Creek Pump Station drainage area. The total project cost is approximately \$1,125,000 of which \$51,000 has been spent. The total cost remaining is \$1,074,000 all of which maybe spent during the upcoming fiscal year.

Mayor Miller stated "we have been talking about this for a number of years, how much of this, if any, is tied to the "penny"? Manager Boatwright answered "the growth of the gravity sewer system in this drainage basin has been significantly increased due to "penny projects". You must remember that this particular drainage area goes from the hospital around the Belleville Road and Eastwood Acres and Highway 33. This is a huge area and as you know there has been significant increase in our gravity sewer services in the Belleville Road area particularly due to the "penny projects". The commercial growth that has occurred at the I-26 / 601 interchange is also a significant

amount and all that discharges into this pump station. Mayor Miller stated that it seems like we have been hearing about this for four or five years. Manager Boatwright replied, 1974 yes you have, this is the third year and hopefully we will be able to move on.

Mayor Pro Tem Haire asked Manager Boatwright, "when you present to us a project with a projected cost and we for whatever reason do not get this project on the way are we absorbing large amounts of additional funds due to inflation and the cost of things, how does that work"? Manager Boatwright replied "sometimes that is the case, recently construction for this kind of operation has actually declined. As you recall, we have been getting very good costs on the last couple of jobs that have been brought to you, but you are right, over the long haul sometimes the costs do go up, but again I have to make judgment decisions every year based on the cash flow of what I think we can fund and can't fund and sometimes make critical decisions of what I think is the most important. Hopefully we are going to get this job done, at least a substantial portion of it in the coming year. The money we have spent so far has been primarily for engineering and rights-of-way".

#### This Completed the Presentation of Proposed Projects and Rate Changes

Mayor Miller presided over the First Reading of Ordinance No. 2009-15 to Adopt a Budget for the Operation of the Department of Public Utilities for the City of Orangeburg for Fiscal Year October 1, 2009 through September 30, 2010 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 Natural Gas, Water and Wastewater.

Councilman Barnwell expressed his concern to Manager Boatwright. He stated "I am concerned, as well as I know you are, with the economy the way it is and I know that we have got to keep DPU advanced but how is this rate increase on all three utilities going to affect our customers". Manager Boatwright replied, "any rate increase always effects our customers, we have tried to keep the rate increases as low as we possibly can and I am certainly concerned about that too, as all of you are. Again anytime is a bad time for me for rate increases especially this time with the economic situations in our community and throughout the country as they are now, but again my responsibility is to present to you what I think is appropriate, and the prudent thing to do. It is my opinion that if we don't have these rate increases, the Wastewater Division will actually be operating in the red by about \$200,000. We will make absolutely nothing in the Water Division, of which we are not making much now, and in the Natural Gas Division which is a significant portion of the earnings that the citizens of Orangeburg enjoy from their utility to be used for various other things. Again it is my recommendation that we do this Mr. Barnwell. That is the best answer I can give you.

A motion was made by Councilman Jernigan, seconded by Councilmember Rheney, to accept the First Reading of an Ordinance to Adopt the 2009-2010 Annual Budget for the Department of Public Utilities for the City of Orangeburg 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 Gas, Water and Wastewater.

Mayor Pro Tem Haire stated "he spoke to Mr. Boatwright this morning as it relates to this particular matter and I was suppose to have gotten back with him with some information, but because of work at the University, I was unable to get back with him in time, I am going to support this, but this does not necessarily mean that I continue based on the information I get". Manager Boatwright replied he understood and he appreciated Mayor Pro Tem Haire's statement.

The motion was approved unanimously

A motion was made by Mayor Pro Tem Haire, seconded by Councilman Barnwell, to adjourn. The motion was unanimous.

There being no further business, the meeting was adjourned.



Respectfully submitted,

*Becky A. Austin*

Becky A. Austin  
Secretary to Manager  
Department of Public Utilities

## CITY COUNCIL MINUTES

August 18, 2009

Orangeburg City Council held a Public Hearing on Tuesday, August 18, 2009, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. The purposes of the Public Hearings were:

1. To raise revenue and adopt a Budget for the City of Orangeburg, SC, for the Fiscal year beginning October 1, 2009 and ending September 30, 2010.
2. To adopt a Budget for the operation of the Department of Public Utilities for the City of Orangeburg, SC, for the Fiscal Year beginning October 1, 2009 and ending September 30, 2010, 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 natural gas, water and wastewater.

City Administrator Yow addressed Council. He stated, "If you will bear with me, I know we have gone over this in great detail at the first reading, but I did want to go through the highlights again for the Public Hearing. The General Fund total this year is \$17,013,416 for revenues and expenses, so it is a balanced budget. We are budgeting \$355,807 in cash reserve, for reference we budgeted \$400,000.00 last year in cash reserve and I told you in the amended budget, we are anticipating using \$125,000 of that. The total budget once you add in the Municipal Airport, Hillcrest Golf Course and the Pro Shop is \$18,323,028. I would like to go through a few highlights that make up this budget. First of all, there is a three (3) mill tax increase built in this budget, this equates to about \$12.00 on a \$100,000.00 house. As a reminder, we did roll back the millage 4 mills last year and with a three mill increase, we will only be back to 87. There is no fire contract increase. There is no business license rate increase. There is an increase in commercial solid waste fee to cover the County tipping fee. We have to pass that on to commercial businesses. There is no change in rates of the residential sanitation fee. There is no change in the DPU Transfer. There is a \$1.00 per round increase for 18 holes for cart fee. Just to mention for the record, Council knows interest rates are down significantly; our interest income is down \$300,000 to \$400,000 per year. The state has cut our local government fund monies by about \$75,000.00. I know Mayor Pro Tem Hairc lobbied some this year to maintain our monies. All local governments have been faced with this across the state. On the expenditure side, for the first time in about twenty years, there is no cost-of-living built in this budget, there are also no merit raises. However, there are no furloughs or layoffs anticipated in this budget. There are no new positions cut in this budget, in fact, there are seven (7) existing vacant positions cut from this budget. There is a very small capital funding. Originally, we started with about \$250,000.00. Last year, we had over 1 million dollars in capital budgeted. We did add back a fire truck in capital. We have applied for a grant for this purchase, so we will be on stand by for this. One thing we have not done is address GASB 45, which is a new accounting standard most local governments have to adhere to. We have done a thorough review of our health insurance plan, even since our first reading, we have gotten some new numbers. We could very well have some significant changes to our health insurance coverage. That's a brief overview of the budget. I will be happy to answer any questions."

Hearing no comments on Public Hearing #1, to raise revenue and adopt a Budget for the City of Orangeburg, SC, for the Fiscal Year beginning October 1, 2009 and ending September 30, 2010, the Public Hearing #1 was closed.

DPU Manager Boatwright addressed Council on DPU budget highlights. "Projected income is \$97,920,000, projected expenses \$87,081,000 and retained earnings \$10,839,000. Income down from last year 102.5 to 97.9. Retained earnings down from last year 15.8 to 10.8. Capital projects totaling \$3,694,148 – one new each for electric and water divisions and one each continuing project for natural gas, administrative and wastewater divisions. Rate increases are as follows: Natural gas-5.9% on residential customers, \$4.88 per month for 75 therms. Water-5% for inside residential customers, \$0.57 per month and double the rate for outside customers. Wastewater-5% for inside residential customers, \$0.80/month and double the rates for outside. Proposed spending on capital projects in FY 2009-10 is proposed to be 42% less than last year. No tap or



impact fee or other administrative fee changes in this budget. No cost-of-living raises or merit raises; however, no layoffs or furloughs. No new positions are anticipated and there will be major changes in our health insurance plans to economize and reduce our GASB liability."

Hearing no public comments on Public Hearing #2, to adopt a Budget for the operation of the Department of Public Utilities for the City of Orangeburg, SC, for the Fiscal Year beginning October 1, 2009 and ending September 30, 2010, 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 natural gas, water and wastewater, the Public Hearing was closed.

**PRESENT:**

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

**ABSENT:**

**Sandra P. Knotts**  
**Trelvis A. Miller**

Council entered into the regularly scheduled meeting.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the July 28, 2009 Budget Workshop Minutes as distributed. This motion was unanimously approved.

A motion was made by Councilmember Jernigan, seconded by Mayor Pro Tem Haire, to approve the July 29, 2009 Budget Workshop Minutes as distributed. This motion was unanimously approved.

A motion as made by Mayor Pro Tem Haire, seconded by Councilmember Jernigan, to approve the August 4, 2009 City Council Minutes as distributed. This was a 4-0-1 vote as Councilmember Barnwell abstained as he was not present at the last meeting.

A motion was made by Councilmember Rheney, seconded by Mayor Pro Tem Haire, to approve the August 11, 2009 Special City Council Minutes as distributed. This motion was unanimously approved.

A motion was made by Councilmember Rheney, seconded by Mayor Pro Tem Haire, to approve the Second Reading of an Ordinance amending the Budget for the City of Orangeburg, SC, for the Fiscal year beginning October 1, 2008 and ending September 30, 2009. This motion was unanimously approved.

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to approve the Second Reading of an Ordinance to raise revenue and adopt a Budget for the City of Orangeburg, SC, for the Fiscal year beginning October 1, 2009 and ending September 30, 2010. This motion was unanimously approved.

A motion was made by Councilmember Rheney, seconded by Councilmember Barnwell, to approve the Second Reading of an Ordinance to adopt a Budget for the operation of the Department of Public Utilities for the City of Orangeburg, SC, for the Fiscal Year beginning October 1, 2009 and ending September 30, 2010, 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 natural gas, water and wastewater. This motion as unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Jernigan, to approve a Resolution authorizing the Manager of the Department of Public Utilities of the City of Orangeburg to execute an Agreement between the Department of Public Utilities of the City of Orangeburg and South Carolina Electric and Gas Company, Inc., for the purpose of furnishing electric capacity and energy.

**Business License Revocation Hearing for Mil's Reception Hall**

Mayor Miller stated, "This is a Hearing held by City Council pursuant to Section 7-2.19 of our Business License Ordinance. The question before Council is the revocation of a business license held by Herman Dewayne Robinson at 1074 Russell Street doing business as Mil's Reception Hall issued January 20, 2009 with a license number of 2009-14. Mr. Herman Dewayne Robinson was issued proper notice by personal service on July 30, 2009. The notice consisted of a letter issued by Carrie W. Johnson, Finance Director for the City dated June 30, 2009 setting the grounds for the revocation and setting a hearing date for August 18, 2009. The notice was signed by Dewayne Robinson. The grounds for the revocation are set forth in the June, 30, 2009 notice and are as follows: You have breached conditions of the license and you have failed to comply with the provisions of the Business License Ordinance of the City of Orangeburg. You have obtained this license through fraud, misrepresentation, false and misleading statements, evasion and suppression of material facts in your application and you have engaged in unlawful activity related to your business activities."

City Attorney Walsh represented the City and entered into the record the license application for Mils' Reception Hall signed by Dewayne Robinson. He stated, "Also attached are his driver's license and the amount paid for the license. The second item is a letter dated July 6, 2009 setting forth grounds for revocation for a Hearing to be held on August 18, 2009 and also attached to that is a copy of the Ordinance. Affidavit of personal service signed by Sgt. Lucas along with photographs of the residence and another affidavit of service signed by Lt. Smoak were also entered into the record. A part of the City Zoning Ordinance with tables and the NAICS codes specific to real estate businesses were also made a part of the record.

City Attorney Walsh stated, "I call Carrie Johnson, Finance Director to the stand"

Mrs. Johnson was sworn in by Councilmember Barnwell.

City Attorney Walsh asked Mrs. Johnson, "What is your full name?"

Mrs. Johnson replied, "Carrie W. Johnson."

City Attorney Walsh asked, "What is your title?"

Mrs. Johnson replied, "Finance Director."

City Attorney Walsh asked, "Isn't it one of your duties to review and issue business licenses?"

Mrs. Johnson replied, "Yes."

City Attorney Walsh asked, "Did you have an occasion to issue a license to a Mil's Reception Hall for Herman Dewayne Robinson?"

Mrs. Johnson replied, "Yes."

City Attorney Walsh asked, "At what address?"

Mrs. Johnson replied, "1074 Russell Street."

City Attorney Walsh asked, "What was the date on that license?"

Mrs. Johnson replied, "January 20, 2009."

City Attorney Walsh asked, "What is the number of that license?"

Mrs. Johnson replied, "2009-14."

City Attorney Walsh asked, "What was that license for?"

Mrs. Johnson replied, "For a rental hall."

City Attorney Walsh asked, "Is that at 1074 Russell Street?"

Mrs. Johnson replied, "Correct."

City Attorney Walsh asked, "Could you let members of Council know the procedures for issuing a business license."

Mrs. Johnson replied, "When a person comes in for a business license and in fact the location is in the City of Orangeburg, the application is completed in full, make a copy of one or two identifications, verify their identity and it is then forwarded to Zoning for any inspections which could take anywhere from 48 to 72 hours for approval."

City Attorney Walsh asked, "What kind of approval?"

Mrs. Johnson replied, "Zoning, fire inspections and any other inspections that needs to be done."

City Attorney Walsh asked, "Was this the first application that was submitted?"

Mrs. Johnson replied, "The first application was for a teen club and that was denied from the Zoning Administrator."

City Attorney Walsh replied, "What happened after that?"

Mrs. Johnson replied, "He was allowed to obtain a rental license for renting the establishment out for receptions or birthday parties."

City Attorney Walsh asked, "Do you know why the first one was denied?"

Mrs. Johnson replied, "Because of the Zoning."

City Attorney Walsh asked, "Because of this license being a rental hall, could admission be charged?"

Mrs. Johnson replied, "No."

City Attorney Walsh asked, "Did you have any conversations with Mr. Robinson during this procedure?"

Mrs. Johnson replied, "Yes, very briefly and I told him he was not to charge admission and he was told by other staff as well."

Mr. Dewayne Robinson was asked if he had any questions for Mrs. Johnson.

Mr. Robinson stated, "No, I don't have any questions, I have never seen her before."

City Attorney Walsh called Mr. Gene Nelson to the stand. He was sworn in by Councilmember Barnwell.

City Attorney Walsh asked Mr. Nelson, "Please state your full name and title."

Mr. Nelson replied, "Elden Eugene Nelson II, Building Official and Zoning Inspector."

City Attorney Walsh asked, "Did you have the occasion to review a license request for a Mr. Dewayne Robinson?"

Mr. Nelson replied, "Yes."

City Attorney Walsh asked, "I believe there was more than one request."

Mr. Nelson replied, "Yes, for a teen club and it was denied at 1074 Russell Street."

City Attorney Walsh asked, "What is the zoning for that location?"

Mr. Nelson replied, "It is B-2."

City Attorney Walsh asked, "The teen club was denied based upon what?"

Mr. Nelson replied, "On Table 2 of the Zoning Ordinance, which gives the permitted uses, and in B-2 a teen club is prohibited."

City Attorney Walsh asked, "Could you please go through the process of denying the application?"

Mr. Nelson replied, "Once I received the application and determined the classification of the business; then determined if it was permissible in that location. It was 713990 from the NAICS."

City Attorney Walsh asked, "That was denied, why?"

Mr. Nelson stated, "Under that classification under dance halls, recreational halls without alcohol, and other amusements that was not allowed in the B-2 zoning"

City Attorney Walsh asked, "Was there another application?"

Mr. Nelson stated, "Yes, for a rental hall."

City Attorney Walsh asked, "Was it a similar situation in approving this application?"

Mr. Nelson stated, "Yes, and its classification was a 531, which would be for a rental hall or banquet hall."

City Attorney Walsh stated, "Would that be a rental hall or a dance hall you could rent to a third party?"

Mr. Nelson stated, "You could rent it out as a party, but admission could not be charged because they would not have a business license."

City Attorney Walsh asked, "If that rental hall is rented to a third party, he or she would have to get a special permit for this?"

Mr. Nelson stated, "If the use fell into the 713, it would not be permitted and they could not charge because a license could not be permitted for that classification."

City Attorney Walsh asked, "Did you meet with Mr. Robinson and did you tell him he could not charge admission?"

Mr. Nelson stated, "I have met with him several times and he was told he could not charge admission and anyone he rented to could not charge admission."

City Attorney Walsh asked, "Did he understand that?"

Mr. Nelson replied, "I thought he did."

City Attorney Walsh asked Mr. Robinson if he had any questions for Mr. Nelson.

Mr. Robinson stated, "When I first met you, you told me I had to do different things to the building in order to get it ready for any business."

Mr. Nelson, "The first time I met you, you wanted to do a teen club."

Mr. Robinson stated, "The first time I met you, I inquired about a rental hall and you told me I didn't have a fire wall when you inspected because I was next to Mrs. Dickson, do you remember that?"

Mr. Nelson replied, "Yes, there were some issues with the building codes that needed to be corrected first."

Mr. Robinson stated, "Do you remember that you stated whenever someone rented the building that they had to get a temporary one day event license?"

Mr. Nelson replied, "On one occasion, we did grant a one-day license for an event when you first opened because you came to me when you had already rented the hall and I told you that you could not charge admission."

Mr. Robinson asked, "Isn't a social hall for family reunions, socials and class reunions. Won't you take up tickets before the event to actually serve?"

Mr. Nelson replied, "Traditionally, I wouldn't think you would charge admission to a birthday party or any type of party."

Mr. Robinson asked, "You don't remember approving people to get a temporary license for the events at the hall because they had a contract?"

Mr. Nelson replied, "Yes, only one time, in the very beginning."

Mr. Robinson asked, "This was never announced to me when we started at the beginning; you told me what I had to do to the building in the beginning, do you remember that?"

Mr. Nelson replied, "I explained to you even with a banquet hall when you were approved that people could not charge admission because that would be another business and that was not allowed."

Mr. Robinson asked, "I noticed you kept saying I applied for a teen club, where did I sign for a teen club, the only thing I did was do the renovations you asked for to approve the inspection."

Mr. Nelson replied, "That was an earlier application that was denied."

Mr. Robinson replied, "I never applied for a teen club, I did everything you asked me to do. The renovations and I did everything you asked me to do."

Mr. Nelson stated, "The renovations were because you were using the facility as an assembly and the renovations were necessary due to the building codes."

Mr. Robinson stated, "I am doing the same thing that Mark's Music did around the corner."

Mr. Robinson had no other questions for Mr. Nelson.

City Attorney Walsh asked Mr. Nelson, "Is this the license application you approved at 1074 Russell Street for a banquet hall?"

Mr. Nelson replied, "Yes it is."

City Attorney Walsh asked, "Did Mr. Robinson at one time apply for a promotion license for parties and events?"

Mr. Nelson replied, "Yes, he did."

City Attorney Walsh asked, "Was that license denied?"

Mr. Nelson stated, "Yes, for the same reason."

Mr. Robinson stated, "The promoter's license came up when they told me I couldn't hold any events there. I had to apply for a promoter's license because I could not charge. I applied for something that you told me to apply for. I sent people to apply for licenses to you for events at the mall."

Mr. Nelson stated, "The mall is a different zoning classification that is allowed at the mall."

Mr. Robinson stated, "That is in the city."

Mr. Nelson replied, "There is a different zoning classification that is B-1, you are in B-2, which was not allowed."

Mr. Robinson asked, "B-1 is there and B-2 is on Russell?"

Mr. Nelson replied, "Yes."

No more questions on either part.

City Attorney Walsh called Chief Wendell Davis to the stand. He was sworn in by Councilmember Barnwell.

City Attorney Walsh asked, "Please state your name and title."

Mr. Davis replied, "Wendell Davis, Director of Public Safety."

City Attorney Walsh asked, "Are you familiar with the location 1074 Russell Street?"

Mr. Davis replied, "Very much."

City Attorney Walsh asked, "Did you have an occasion to respond to calls at that location?"

Mr. Davis replied, "We had a number of calls at that location responding specifically at 1074 and a number of other calls around 1074 Russell Street."

City Attorney Walsh asked, "Can you describe those cases?"

Mr. Davis replied, "There were several fight calls, crowd control calls, one trespassing call, and disturbance calls. There was one crowd control call where people were in the street and across the street where there were a number of officers dispatched."

City Attorney Walsh asked, "Were any of those calls or activities unlawful?"



Mr. Davis replied, "There were a number of arrests particularly at fights and other unlawful activity. We found paraphernalia and illegal weapons to close proximity to the site. We could not definitely place at the site, but within close proximity to the site. We propose that these weapons were a result of the site."

City Attorney Walsh asked, "Do you have a timeline for these activities?"

Mr. Davis replied, "We do have the times, times range from 10:00 p.m. until 2:00 a.m."

City Attorney Walsh asked, "What days of the week?"

Mr. Davis responded, "On the weekend, generally on Saturday nights."

City Attorney Walsh had no other questions and asked Mr. Robinson to ask Mr. Davis any question he may have had.

Mr. Robinson asked, "Do you remember me calling you for security for the hall to use public safety?"

Mr. Davis replied, "No, I didn't get any message or I didn't talk with you. We do not do security for any business that serves alcohol. That would probably be the premise that was told to you."

Mr. Robinson replied, "I do not have any alcohol, it is a rental hall. There is no telling who is going to act up kids or adults. I just wanted to have security there for protection, but I was denied by the city. Do you remember that?"

Mr. Davis replied, "You never contacted me, you may have called. I don't remember talking to you."

Mr. Robinson stated, "One of your officers told me that you do that for the skating rink, those are kids. So, I had to deal with the Sheriff's Department, whether it is an adult or kids, anyone that rents the building. I tell them they have to have the security for any event. I have to fill out paperwork every week. Is that correct?"

Mr. Davis stated, "It is my understanding that there were Sheriff's deputies at most of the events that we responded to. We responded to calls, one time up to forty-eight officers were there."

Mr. Robinson asked, "The calls that you received, were they from 1058?"

Mr. Davis replied, "Some came from 1058, some were not, some were from different sources. As to where all of them came from, some were from 1058 and some were not."

Mr. Robinson asked, "So most of the calls were from 1058?"

Mr. Davis replied, "Some of the calls were from 1058 concerning the activity of 1074. Any citizen can call."

Mr. Robinson did not have any more questions for Mr. Davis.

City Attorney Walsh called Mr. Dwayne Robinson to the stand. He was sworn in by Councilmember Barnwell.

City Attorney Walsh asked, "What is your full name?"

Mr. Robinson stated, "Herman Dwayne Robinson."

City Attorney Walsh asked, "You are the individual proprietor for Mil's Reception Hall and the business license?"

Mr. Robinson stated, "Yes."

City Attorney Walsh asked, "For your events, you had to have the Sheriff's Department there?"

Mr. Robinson stated, "For any event, they had to have the Sheriff's Department there. I don't take anything for granted. I fix it where the Sheriff's Department has to be there. I have to pay the officers \$25.00 per hour."

City Attorney Walsh asked, "Did you have any events at 1074 Russell Street, yourself?"

Mr. Robinson stated, "I rented the hall to individuals and then they were to go to the City and get a temporary one day license and after that they would come to me and say the license was not approved and they had to go see Mr. Gene Nelson and then he would deny them the license. If they are charging, they could not get a license. Whatever event the person was having, whether it was a daycare graduation or another event, even kids having birthday parties. I make it affordable; they can rent my building for \$500.00. The Cinema charges \$1,500.00 to \$2,000.00. I didn't come here to hurt the city, the only thing I wanted to do was to rent and help out the kids. Before I even started renting the building, I fixed it up first."

City Attorney Walsh asked, "Did you have any events there yourself?"

Mr. Robinson stated, "I did once they could not get any licenses anymore when they starting denying individuals licenses for the one day licenses. What they are doing now, they would come through me since I have the business license."

City Attorney Walsh asked, "On some occasions, did you rent to a third party, such as John or Sue to have a party?"

Mr. Robinson replied, "John or Sue would come to me to rent to them."

City Attorney Walsh asked, "When you have your parties under your business license, did you charge admission?"

Mr. Robinson stated, "Every event that I had was people coming to me to rent the building. There was admission charged."

City Attorney Walsh asked, "You were told that individuals could not be charged, weren't you?"

Mr. Robinson asked, "On what grounds?"

City Attorney Walsh stated, "It doesn't matter on the grounds."

Mr. Robinson stated, "What am I supposed to tell the people that come to me to rent the hall, they want to make money. When you spend money, don't you want to make money?"

City Attorney Walsh asked, "I thought they were birthday parties?"

Mr. Robinson replied, "They got to get something for it, whether it is a donation of \$5.00 for whatever they do."

City Attorney Walsh asked, "Were there people at that door charging people money for admission?"

Mr. Robinson stated, "There was people sitting at the door, correct and they charged."

City Attorney Walsh asked, "Do you know how much they charge?"

Mr. Robinson replied, "\$5.00 or \$1.00."

City Attorney Walsh asked, "In order to go in, you had to pay to do so?"

Mr. Robinson replied, "Yes, it was a \$1.00 or \$5.00."

There were no more questions for Mr. Robinson.

City Attorney Walsh recalled Mr. Gene Nelson, Building Official. Councilmember Barnwell stated to Mr. Nelson that he was still under oath.

City Attorney Walsh asked, "Any licenses that was issued to Mr. Robinson, under any circumstances, could you charge for admission?"

Mr. Nelson replied, "We did issue one license at the very beginning when he first opened up. They was a gray area that staff had to work out. After that, we understood how it was to be laid out. He can rent the hall to an individual to a party. The misunderstanding is that the party should come get a business license to charge admission. We can't do that because it is in violation of the zoning. I told him that and people didn't need to come get a business license. They can still rent the hall and have a party, but they cannot charge admission."

City Attorney Walsh asked, "So, if they did charge admission, that would be in violation of the business license that was issued to Mr. Robinson?"

Mr. Nelson replied, "We could not issue a business license for that so they would in violation."

City Attorney Walsh asked, "Not only would they be in violation of his business license, they were in violation because they had no business license."

Mr. Nelson replied, "Yes, that is correct."

City Attorney Walsh had no other questions or other witnesses.

Mr. Robinson testified, "I want to first start off apologizing to Council, I didn't actually present myself here to hurt the city. I opened up this rental hall not to do wrong. I wanted to open this rental hall after my mother, who has passed. I named it Mill's Reception Hall. My mother died of cancer. I did it in her name. I didn't know what had to be done. I spent \$4,000 - \$5,000 of my own money with sheet rock to actually have a rental hall. I had to bring it up to city codes; I had to have a bathroom, handicapped. The building I rent, I don't have a lease, I have a month to month rental. I actually had the building a year fixing it up and paying rent; my rent is \$700.00 per month. I wasn't trying to gain anything. Whatever your decision is today, I accept it. I didn't come here to mislead anybody and to open a business the wrong way. As I stand before you today, I will be seeing Mr. Nelson again. I have gone to the mall in order to rent space for kids to have a place to work when they get of school to do hair. I am an instructor, once they get out of school; they have no place to work. I am not here today to try to fight. I am glad to be here so people can see who I am. A lot of kids rent the building. I can't stop kids from acting up or doing anything wrong. With the Sheriff's Department there, I dealt with Mr. Larry and their ability. My main thing before you today is our kids, they are the future. If I can have an event and three hundred kids are being dropped off; that is why the officials were there. I am not here to do the City wrong. If I need to go somewhere

else and do something else, that is fine. Whatever the decision is here today, I am fine with it. Nobody really knew me. It all started next door with the guy with the sports bar. He was saying it was causing problems with his crowd. We had some verbal conversations. At first he was fine because of the Sheriff's Department. Then he said because the Sheriff's Department was there, it was causing his customers not to come in. The next thing you know, there were phone calls from next door. I opened up one day a week. There was a time when people were out in the road, I was on military duty at the time. I had security there for the event. Anyone who rents the building, they had to fill out an application. The only business license hall I ever applied for is Mil's Reception Hall. I have licenses here where people went to Mr. Nelson to get a temporary event license. When someone rents a building, I would get a copy. If anyone would go to them for 1074, it would be denied. He told me to send people to him and then when he got there, he would deny them. I have paperwork when I rented Mark's Music and I had to do the same thing. I would rent The Place to Be and get a one day license. Anytime, I do anything, I had to get a promoter's license. It went as we go. I didn't mean to hurt the City, thank you."

City Attorney Walsh asked, "You say you have an event license, can I see it?"

Mr. Robinson produced one license.

City Attorney Walsh stated, "This is the one that we issued one time for J&K Delight."

Mr. Robinson stated, "The other people have their licenses, they bring the contract to Mr. Nelson and they get the business license."

City Attorney Walsh asked, "Do you have anything signed by Mr. Nelson other than this one he said that he issued?"

Mr. Robinson replied, "All those records the individual has, I ended up with that one because that person was working that day and I ended up with it. Those people who had those contracts have their licenses."

City Attorney Walsh stated, "They are only signed by you."

Mr. Robinson replied, "They get the license from the City, they take the contract to Mr. Nelson to actually get a temporary event license prior to this. Everybody has got their own license, I only have that one."

City Attorney Walsh stated, "Regardless of whether they need a license or not, did they charge admission?"

Mr. Robinson stated, "Yes."

The Mayor asked if anyone else has any other questions.

City Attorney Walsh recalled Mr. Nelson. Councilmember Barnwell reminded him you are under oath.

City Attorney Walsh asked, "Did you issue any other business licenses other than that one?"

Mr. Nelson replied, "No, just that one license. That was the one early on that he first got his license that he had the hall and he already signed a contract and we let him have that one. He charged admission for that one time due to us having to research that area in the Ordinance."

Mayor ProTem Haire asked to see the license he had for the special event.

Mayor Pro Tem Haire asked Mr. Nelson, "You said in your testimony that first of all, the business license was issued 1/20/2009, this particular special event was 5/08/2009. That was about 4-5 months, was that the first event he had?"

Mr. Nelson replied, "That was the first event he had."

Councilmember Jernigan asked to see the license.

Mayor Miller asked "Who is J&K Delight?"

Mr. Robinson stated, "That was a business where a young lady had cakes that she showcased and baked cakes and that was how she promoted her business."

Mayor Miller asked, "That was to sell cakes?"

Mr. Robinson stated, "She had an oldie goldie party where she showcased her cakes and gave out pens and cards and to see her business. She did this where people could buy some of her cakes for other occasions."

Mayor Miller asked, "Mr. Nelson is this handwriting here that states that no admission could be charged if rented for a private party."

Mr. Nelson replied, "Yes."

Mayor Miller asked, "Is Mrs. Kennerly the J&K Delight?"

Mr. Robinson replied, "Yes."

Councilmember Jernigan asked Mr. Robinson, "On this first event you had, that was for J&K Delight to showcase their cakes?"

Mr. Robinson replied, "No, they didn't showcase their cakes, they advertised themselves so far as to give out pens, memos, just a promotion. That was not the first party there."

Councilmember Jernigan asked, "Didn't Mr. Nelson testified that this was the first event?"

Mr. Robinson stated, "That was not the first event."

Mayor Miller asked, "When was the first event?"

Mr. Robinson replied, "When I first got the business license, that was not the first event."

Mayor Miller asked, "That was in January?"

Mr. Robinson replied, "That is correct."

Mayor Miller asked, "When you were told that admission could not be charged?"

Mr. Robinson replied, "That was around the 5<sup>th</sup>, May Fest weekend, I had something at the mall for a fashion show and a talent show. There was a promoter having something after my event. Prior to that, they told my partner not to open up. They sent two sheriff's deputies there saying I had the wrong business license that I could not open up. So, Lt. Thompson from Public Safety was sent there by Wendell saying I could not open up May Fest weekend, that the City said I had the wrong business license to open up. I did not open up, I did not quarrel with them. I abided by the rules. I came in the next day, I

spoke to a young lady a Miss.....what is her name, he asked the Finance Director what her name was and she replied, "Carrie Johnson".

Mr. Robinson then replied, "Yes, I spoke to you, you give out the licenses.

Mrs. Johnson replied, "But, you said you never met me?"

Mr. Robinson stated, "This is my second time meeting you. When you came in, I was sitting there waiting on you and you went to the back and asked what is he doing out there and you came out and asked if anyone was helping me. I then explained my situation and you gave me the application to apply for a promoter's license. You sent Lt. Thompson there to close me down. You then told me it cost \$100.00. You then told me it had to be approved."

Mayor Miller stated, "There are several things that I am trying to sort through in my mind and the first one is, were you or were you not told that if you rented your hall to a third party that the third party could not charge money for people to enter."

Mr. Robinson replied, "In the beginning when I was told to rent the building, I was told anyone who rents the building should come and get a one-day special event license which is \$25.00, with I knew that because I have rented other places and I knew that. As time went on, they told me they could not charge admission because of the zoning I was in and they could not get a special events license."

Mayor Miller stated, "So you were told because of the zone that you were in, that would be illegal."

Mr. Robinson replied, "When the zoning thing came up, he kept talking about the gray area and he was talking with Mr. Yow. When you have a bunch of kids, they call it a teen club, it is a reception hall. We can go do the same thing somewhere else; you can call it a club. I did not apply for a club. I cannot deny the right for people to rent it. It is a rental hall. 1058 has analyzed me and called it a club, that I had drugs. I had the cops out there. They can't even have cigarettes. They can't leave the building. They can't even bring in bandannas like a gang. I know one time, they went out at one time, and everyone was outside that happens at a game."

Mayor Miller stated, "I have missed something somewhere in these past two hours we were talking. Didn't you apply for a teen club?"

Mr. Robinson replied, "That is what they say, I never signed anything for a teen club."

Mayor Miller asked, "You asked about a teen club?"

Mr. Robinson replied, "I only applied for a rental hall and I did the building renovations that Gene told me to do."

Mayor Miller replied, "But, you were told not to rent it to a third party to charge admission."

Mr. Robinson replied, "They never told me that until 4 to 5 months after we rented the building. Until they started sending the cops out there, everything was fine. On May Fest weekend, I lost a lot of money."

Mayor Pro Tem Haire asked the Finance Director, Carrie Johnson, "Mr. Robinson stated that he came to you and you were unaware that there was this prohibition against the May Fest weekend."

Mrs. Johnson stated, "If that is the same weekend, he had a license for that. J&K had a license if that was the same weekend. I don't know what May Fest weekend would be."



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Mayor Pro Tem Haire asked, "Did someone make an error in not allowing him to open up on the weekend?"

Mrs. Johnson replied, "Only if that was the same weekend. I do not know when May Fest was."

Councilmember Jernigan stated, "This license is dated for May 8th."

Councilmember Jernigan asked, "I have a few questions. You say this license was to display cakes and things like that so she could show what she had and possibly to get people to hire her to do something."

Mr. Robinson stated, "She didn't have any cakes, she only had cards to promote herself."

Councilmember Jernigan replied, "The license says it is for a special event birthday party?"

Mr. Robinson stated, "Exactly, it was her birthday and she was charging people for her birthday. In order for her to get that license, she had to go to Gene to get it."

Mayor Pro Tem Haire asked, "Does anyone know what May Fest was?"

A discussion was held as to whether May Fest was Rose Festival weekend, which was May 1<sup>st</sup> weekend.

Councilmember Jernigan asked Mr. Nelson, "You stated this was the first event."

Mr. Nelson replied, "That is the first event we knew about."

Councilmember Jernigan replied, "Mr. Robinson stated it was not the first event."

Mr. Nelson replied, "I think he was operating under his rental hall license."

Councilmember Jernigan asked, "He could actually rent his establishment as long as they weren't charging for it?"

Mr. Nelson replied, "Yes."

Mayor Miller asked, "Does anyone know if he charged or not?"

City Attorney Walsh stated, "He admitted that he charged."

City Attorney Walsh entered the J&K license into the record.

City Attorney Walsh summarized the City's position. He stated, "I feel like I am making closing arguments to a jury. I do want to say that you should use common sense that when you have a birthday party or a graduation party, you invite people to them, you don't charge admission. In this case, Mr. Robinson admitted that persons he rented the hall to, they were charging. This is a B-2 business district that permits a rental hall but under no circumstances can you charge admission. This would require a different business license that is not allowed in this district and Mr. Robinson did not have that. Under the classifications, a rental hall is permitted, but under no circumstances should admission be charged. He has admitted that admission was charged of \$5.00."

Mr. Robinson made remarks. "Like I said before, if you have a rental hall, you can do many things. If you have a skating rink, you have public safety and security. You can't take anyone for granted that no person is going to do wrong. I paid security and I

charged to pay for that. Admission was never told to me until calls started coming from next door. Nobody knew I was there, everyone was home asleep and that is when the kids were renting the building. I tried to do no wrong, I am not ashamed of nothing that I did. The only thing I did was have the cops there for protection at all time. They shot someone at Hardee's, you didn't close them down. What I am saying, I never took anything for granted. I was in the military. I told them when I let them out, call your ride or text your ride and go outside. As I grew, I learned the business."

Councilmember Barnwell asked, "Were you physically there when these events were taking place?"

Mr. Robinson stated, "I hired security, I have girls and guys security, they can bring in no combs, objects, bandannas or even cigarettes. Inside, I have security walking around the whole time. I did not fix this to do no wrong, if anything, I wish everyone would come down and see what I was doing. I was hoping the Sheriff's Department would talk to the kids about different events, school and the homeless."

Mayor Miller stated, "Council, we can act on the revocation based on the testimony given tonight, we can table it until next meeting and suspend any action; I put it before you to what's your pleasure."

Mayor Pro Tem Hairc stated, "While I can appreciate what Mr. Robinson was attempting to do, he did mention in this testimony that admission was charged which was in violation. It seemed to be ambiguities by city officials and I would hope that in the future that these ambiguities would not exist. However, through his own admission there were violations in fees that were charged, so at this time I would have to support the position of revocation." This was seconded by Councilmember Rheney.

Councilmember Barnwell asked, "Mr. Robinson, Do you understand what the situation is?"

Mr. Robinson replied, "I understand fully whatever the ease may be. I apologize, this came about when I first charged. I couldn't pay the cops out of my pocket, so that went towards that. Nothing was told to me in the beginning. I understand now. Whatever the case may be, I understand."

Councilmember Barnwell stated, "I think this was all a misunderstanding, if we revoke this license, could he apply for another one, since he understands now."

City Attorney Walsh replied, "Yes."

Council unanimously approved the revocation of business license at 1074 Russell Street.

Mayor Miller stated, "I appreciate you coming in and your willingness to discuss this matter tonight. Sometimes things are bitter, but maybe there is a good lesson to be learned here. In the future, make sure you are in the right zoning and do it the right way and we probably won't ever see you down here and I wish you luck in your future endeavors."

City Attorney Walsh stated, "I will have to prepare a written statement and I will present it to Mr. Robinson."

Mayor Miller asked City Attorney Walsh, "Do you have a time table for this?"

City Attorney Walsh stated, "Once it is signed by Council, I will have to get it to him within ten days."

Mayor Miller stated, "We will get you an official notice by mail."

City Attorney Walsh asked Mr. Robinson if the City had his correct address and he was advised that the revocation was effective now. Mr. Robinson verified his correct mailing address was 1221 Jackson Belt Road, Holly Hill, SC 29059.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to enter into an Executive Session for a legal matter concerning pending litigation, Mabel S. All vs. City of Orangeburg. This motion was unanimously approved.

Council did not return to Open Session, therefore, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson  
City Clerk

CWJ/pfb



**CITY COUNCIL MINUTES**  
**September 1, 2009**  
**7:00 P.M.**

199i

Orangeburg City Council held a Public Hearing on Tuesday, September 1, 2009, at 7:00 P.M. in Council Chambers with Mayor Miller presiding. The purposes of the Public Hearings were:

1. Annexation into the City of Orangeburg, property belonging to Orangeburg Foods, Inc., located on John C. Calhoun Drive at TMP# 0173-19-03-003

Hearing no comments on Public Hearing #1, the Public Hearing was closed.

2. Annexation into the City of Orangeburg property belonging to Stephen D. Nash, Orangeburg Stockyards, located at 805 Whaley Street at TMP# 0173-19-03-008/0173-19-03-009

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

City Administrator Yow noted that the Planning Commission unanimously voted to annex these properties.

**PRESENT:**

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

**ABSENT:**

**Trelvis A. Miller**

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the August 18, 2009, City Council Minutes as distributed. This was a 5-0-1 vote as Councilmember Knotts abstained as absent from the PRIOR meeting.

A motion was made by Councilmember Rheney, seconded by Mayor Pro Tem Haire, to approve the Third Reading of an Ordinance amending the Budget for the City of Orangeburg, SC, for the Fiscal Year beginning October 1, 2008 and ending September 30, 2009. 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, 2009 and ending September 30, 2010. This motion was unanimously approved.

City Administrator Yow overviewed Council on the proposed site of the City Community Center/Gymnasium. He advised Council of the proposed building location on Broughton and Whaley Streets and advised Council that staff had visited many facilities throughout the state. A power point presentation was presented by Neal, Prince Architects from Greenville. City Administrator Yow stated "The funds to pay for this facility would come from the Capital 1% Fund (First Round), some additional costs were funded in the second round of the 1% Fund which equaled about \$2 million dollars; \$500,000 would be paid from the 2% Fund Balance and the remaining \$1.8 million we would borrow from the public finance market. However, the City will pursue grant funds, if available. The estimated cost of the building is \$4.3 million. I am asking tonight that you endorse this concept and give direction to start preparing bid documents and re viewing financial options. It would require us to bring the bids back to Council for construction approval."

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Councilmember Barnwell stated, "I do not see anything wrong and I am in favor of the concept, but my concern is the borrowing of two million dollars where we just increased taxes and this is not the proper time to do this, but I will vote in favor of the plans."

Mayor Miller stated, "I think from what this gentleman said contractors are hungry and the chances to get this built for a good price would be better now than later."

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Knotts, to approve the staff to start preparing bid documents for the construction of the City Community Center/Gymnasium.

Councilmember Rheney stated, "This has been on the table a long time and I think we need to proceed with this or lose the money."

This motion was unanimously approved.

Mr. Don Tribble, Director of Community of Character, accepted the Character Trait Proclamation, "Trustworthy" for the month of September 2009.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the First Reading of an Ordinance to annex the within described property as Orangeburg Foods, Inc., Tax Map #0173-19-03-003 into the City of Orangeburg, SC. This motion was unanimously approved.

A motion was made by Councilmember Rheney, seconded by Mayor Pro Tem Haire, to approve the First Reading of an Ordinance to amend the Municipal District Map dated November 6, 2001, for the purpose of adding newly annexed City property, Tax Map #0173-19-03-003 to Municipal Council District Five (5). This motion was unanimously approved

A motion was made by Councilmember Barnwell, seconded by Councilmember Knotts, to approve the First Reading of an Ordinance to annex the within described property of Stephen D. Nash, Orangeburg Stockyards, located at 805 Whaley Street at Tax Map #'s 0173-19-03-008/0173-19-03-009 into the City of Orangeburg, South Carolina. This motion was unanimously approved.

A motion was made by Councilmember Jernigan, seconded by Mayor Pro Tem Haire, 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, Tax Map #'s 0173-19-03-008/0173-19-03-009. This motion was unanimously approved.

City Administrator Yow addressed Council in regards to the possible purchase of property at 1099 Russell Street. He stated, "The Mayor was approached by bank representatives some time ago. He came to Mr. Boatwright and me as to whether or not we would have any need for this property. The property has been walked through by the three of us. The property is 7/10 of an acre, it is two story brick with a basement and is 10,000 square feet finished and 5,000 square feet partially finished. It has one tenant on the second floor with a lease of approximately 28 more months, the lease would transfer to us and the tenant would remain there for that time period. DPU indicated that they do have need for a portion of the building for storage purposes for records and offices for two employees. We have some storage space needs but not great needs. We have some desire to incorporate some of the acreage into a planned municipal parking area. As Council knows, for some time we were going to take a parking lot that is not publicly owned and we would acquire and take that and this acreage, if we can acquire all of the easements and develop an entrance from Broughton into the parking area so you can go out on Windsor or Broughton Street. We have been talking with First Citizens long before this came about concerning this parking lot. In addition, we may approach some non-profit organizations in the community about relocating to this building as

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well. Those would be the uses the City and DPU would have for this property. If it meets with Council's approval, we recommend that you give me permission to move forward with this; for us to schedule a closing sometime in the next month and give Mr. Walsh the authority to work with me on the pertinent documents."

Councilmember Barnwell asked, "Where will the money from the City come from?"

City Administrator Yow replied, "It would come from the 2% Fund unless we see that we would not cause a deficit in this year's budget, we could pay for it from the general fund."

Councilmember Barnwell asked, "How much would we benefit from the lease?"

City Administrator Yow replied, "The rental is different amounts for different months, it averages about \$27,000.00 per year and we have 28 more months on the lease."

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Rheney, to approve a Resolution for the purchase of real property at 1099 Russell Street from First Citizens Bank and Trust in the amount of \$300,000. This motion was unanimously approved.

City Administrator Yow stated, "As the City embarked on annexation, we realized that we were encountering larger tracts of property and we never adopted what was referred to as subdivision regulations. We then started seeing developments of larger tracts in the city and tracts being annexed that were larger. We realized we didn't have anything other than our Zoning Ordinance to address these larger parcels. As Mr. Walsh and I spoke to Council about that, we decided to contact Mr. Dan Vismor, our consultant on the Comprehensive Plan and our Zoning Ordinance to develop a Land Development Ordinance. We are bringing this to you tonight for first reading. Mr. Vismor could not be here tonight, but he will be here for the next reading. He will be here to go over details on this Ordinance. We want to proceed with first reading and the other Resolution, which is the cessation of land development and subdivision in the city. Councilmember Barnwell asked me today about some issues. This does not take the place of the Zoning Ordinance. That Ordinance still applies. The authority to do the Land Development Ordinance is granted to cities through state law, at Section 6-29 1110 – 6-29-1200. This applies to all large developments not just residential; it applies to commercial, mixed use, office institutional, and residential. The Planning Commission has reviewed and recommended this plan. The best summary is written in the document in the second paragraph in the Ordinance which states the City finds that it is in its best interest to govern the subdivision of said lands, encourage economically sound and stable development, assure the timely provision of required streets, utilities and other facilities and services, to assure adequate provision of safe and convenient access and circulation, to assure public open spaces and to assure the wise and timely development of said properties in harmony with the Comprehensive Plan of the City of Orangeburg."

DPU Manager Boatwright concurred with the recommendation of passing this. City Attorney Walsh stated that this would require an amendment to the General Terms and Conditions of the Department of Public Utilities.

Mayor Miller asked about plans that have already been approved.

City Administrator Yow replied, "They would still have to comply with the Zoning Ordinance and they would not be affected by the temporary cessation."

City Administrator Yow stated, "This doesn't come to Council for plat approval. They go to the Planning Commission, for plats approval. Council approves the Zoning Ordinance and PDD's come to City Council or someone who doesn't comply with the

Zoning Ordinance. One thing that would come before Council is the financial guarantees and the contract assurances. If someone does not have all the improvements done, they could bring some financial guarantees to Council.”

A motion as made by Councilmember Jernigan, seconded by Councilmember Rheney, approving the First Reading of an Ordinance adopting Land Development Regulations for the City of Orangeburg. This motion was unanimously approved.

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to approve a Resolution providing for the temporary cessation of land development and subdivision. This motion was unanimously approved.

DPU Manager Boatwright overviewed the Ordinance to adopt a Budget for the operation of the Department of Public Utilities for the City of Orangeburg, SC, for the Fiscal Year beginning October 1, 2009 and ending September 30, 2010, 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 natural gas, water and wastewater. There were no changes from second to third reading.

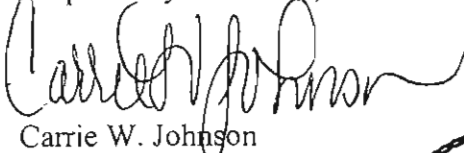
Councilmember Knotts stated, “I have pondered over this issue since its inception about raising the water, wastewater and natural gas rates. I have had mixed feelings since the very beginning. I have been approached by many citizens, some seniors, some who have lost jobs and it is because of that, it is just my conscience and it is just who I am and what God has purposely put me here for, I support DPU and their efforts, but at this point in time, I cannot vote for this.”

A motion was made by Councilmember Jernigan, seconded by Mayor Pro Tem Haire, to approve the Third Reading of an Ordinance to adopt a Budget for the operation of the Department of Public Utilities for the City of Orangeburg, SC, for the Fiscal Year beginning October 1, 2009 and ending September 30, 2010, 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 natural gas, water and wastewater. This was a 5-0-1 vote as Councilmember Knotts opposed.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to enter into an Executive Session for (1) administration legal matter concerning litigation regarding Telecommunications Franchise and (2) administration contractual matter concerning sale of real property. This motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,

  
Carrie W. Johnson  
City Clerk

/pfb





**RESOLUTION PROVIDING FOR THE TEMPORARY CESSATION OF LAND  
DEVELOPMENT AND SUBDIVISION.**

**WHEREAS**, the City of Orangeburg on September 1, 2009 adopted by first reading a Land Development Ordinance setting forth regulations for land development; and

**WHEREAS**, the City of Orangeburg finds that during the adoption of said ordinance it is necessary to cease any land development or subdivision which would be governed by said Land Development Ordinance pending its final adoption.

**NOW THEREFORE, BE IT RESOLVED BY CITY COUNCIL DULY ASSEMBLED** that for the period beginning September 1, 2009 until the final adoption of its Land Development Ordinance, no land development or subdivision which would be governed by said ordinance shall be conducted within the corporate limits of the City of Orangeburg until said ordinance is adopted on third reading or said Land Development Ordinance is tabled by a majority vote of Council.

**DONE AND RATIFIED BY THE CITY OF ORANGEBURG, STATE OF SOUTH CAROLINA THIS**  
1st **DAY OF SEPTEMBER, 2009.**



Mayor

*Paula. Min*

*Joyce Kharey*

*Chad Dyer*

*Charles B. Brown*

*Louisa F. Stewart*

*Ann Haire*

Members of Council

ATTEST:

City Clerk

*Carrie H. Phin*

**RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR SALE AND PURCHASE OF REAL ESTATE BETWEEN THE CITY OF ORANGEBURG AND FIRST CITIZENS BANK AND TRUST COMPANY, INC. AND FOR THE PURCHASE OF SAID PROPERTY DESCRIBED THEREIN.**

**WHEREAS**, First Citizens Bank and Trust Company, Inc. offered the below described property to the City of Orangeburg for the consideration of \$300,000.00; and,

**WHEREAS**, the City and its departments are in need of additional office and storage space which would necessitate the construction of additional physical plant for said purposes; and,

**WHEREAS**, the City has determined that the cost of said construction far exceeds the within consideration of \$300,000.00; and,

**WHEREAS**, the City has inspected the building located on the below described property and finds that same is suitable for its needed office and storage space; and,

**WHEREAS**, the City finds that it is in its best interest and that of its citizens that the City purchase the below described property from First Citizens Bank and Trust Company, Inc. in lieu of expending public funds for the construction of additional physical plant.

**NOW THEREFORE, BE IT RESOLVED BY CITY COUNCIL DULY ASSEMBLED** that the City of Orangeburg enter into a Contract for Sale and Purchase of Real Estate ("Contract") with First Citizens Bank and Trust Company, Inc. for the purpose of purchasing the below described property in accordance with the terms and conditions of said contract for the total consideration of \$300,000.00.

**BE IT FURTHER RESOLVED**, upon compliance by each party with the terms and conditions of the Contract that the City of Orangeburg purchase the below described property for the consideration of \$300,000.00, subject to the terms and conditions of the Contract.

**BE IT FURTHER RESOLVED**, that John H. Yow, City Administrator is hereby authorized to enter into said Contract on behalf of the City and to sign any and all other documents to purchase the below described property in accordance with the terms and conditions of the said Contract.

Description of property: All that certain piece, parcel or lot of land, with improvements, situate, lying and being on the northwestern side of the intersection of Broughton and Russell Streets, in the City of Orangeburg, State of South Carolina, being more fully shown and delineated as .069 Acre/30213 SQ. Ft. on a plat prepared for First Citizens Bank and Trust Company of South Carolina by Cox and Dinkins, Inc. dated November 1, 2000, recorded in Plat Book C202 at Page 1, which is incorporated herein by reference, and having such measurements, boundaries, and courses as shown thereon; be all measurements a little more or less.

**DONE AND RATIFIED BY THE CITY OF ORANGEBURG, STATE OF SOUTH CAROLINA THIS 19 DAY OF SEPTEMBER, 2009.**

*Paul G. Hines*  
\_\_\_\_\_  
Mayor

*James R. Hines*  
\_\_\_\_\_  
*Charles B. Hines*  
\_\_\_\_\_  
*Tandra L. Hines*  
\_\_\_\_\_  
*James Hines*  
\_\_\_\_\_  
Members of Council

ATTEST: *Carroll Hines*  
\_\_\_\_\_  
City Clerk



**CITY COUNCIL MINUTES**  
**September 15, 2009**

1935

Orangeburg City Council held its regularly scheduled meeting on Tuesday, September 15, 2009, at 7:00 P.M., in Council Chambers with Mayor Miller presiding.

**PRESENT:**

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

**ABSENT:**

**Trelvis A. Miller**

A motion was made by Councilmember Jernigan, seconded by Mayor Pro Tem Haire, to approve the September 1, 2009, City Council Minutes as distributed. This motion was unanimously approved.

Mr. Dan Vismor addressed Council in regards to the Land Development Regulations. He stated, "This Ordinance, unlike the Zoning Ordinance which regulates the use of land, regulates the development of the conversion of raw land into developed land. It focuses on the installation of infrastructure and it establishes minimum design and construction standards on the infrastructures supporting urban development. Design requirements are streets, curb & gutter, shoulders, signage, easements, lots, blocks, sidewalks and areas prone to flooding. This basically carries it a step further as far as development of a flood plain as well as utilities and surveys and marking. The development of this Ordinance is relatively simple. We looked at what the County had in place so we would be as compatible as possible with the County regulations. The developers in Orangeburg County like to know if the rules are reasonably the same. It helps them tremendously. The Administration is divided between the Zoning Administrator and the Planning Commission. All subdivisions of property in the City of Orangeburg would have to come before the Zoning Administrator before anything can be done. If it is an exempt subdivision, that would be one according to state law that divides property to minimum lot size of greater than five acres or cemetery lots or the reconfiguration of lots when you do not produce any additional lots that is referred to as an exempt subdivision in the State Code and in your Ordinance. What has to happen there is that the developer still has to come before the Zoning Administrator, he then reviews it, and stamps it accordingly and then the developer is then free to have that subdivision recorded in the court house. Prior to regulations such as these, there were no requirement that the subdivision created in the City of Orangeburg had to be approved by anybody before they could be recorded in the court house. This will change all of that.

The second type of subdivision that would have to be approved by the Zoning Administration would be a minor subdivision. It would have the same number of lots and the same conditions that prevail in Orangeburg County. If you are going to divide a piece of land on an existing street and it is not going to require any additional water lines, sewer lines, or additional drainage requirements, you can do that provided that you do not exceed five lots. That subdivision can be approved by the Zoning Administrator without having to come before the Planning Commission. What we are trying to do is to allow "rubberstamp" subdivisions to make it easier for the developer to get it approved without having to tie up the Planning Commission and schedule it with them. It would be a done deal and if it is, the Zoning Administrator should be able to process that to expedite it. There are two other types of subdivisions that have to be administered and approved, a major subdivision would be anything over five lots that involves the extension of water and sewer or any other development. First of all the, Zoning Administrator would have to meet with the developer to ensure that the proposed subdivision meets all the requirements and channel the developer to the appropriate city departments in an effort to help the developer in getting his plan approved. There will be development regulations in place and the review of the plan by the Administrative Staff and the Department

Head's should be in a position to assist the developer so when he finalizes the subdivision plan, it will meet all the requirements to get it approved. Then it goes through a preliminary plat procedure and a final plat procedure. The final development is one that is not included in the 1994 Comprehensive Plan, which is called a Land Development Project other than a subdivision. This was put in legislation since it was realized you could build on a fifty acre site if you don't subdivide it, it is then not subject to development regulations of your Ordinance. A large subdivision, hospital complex or apartment complex that would be situated on a single lot, irrespective of the size, would be exempt of the regulations prior to 1994. We then defined this development that does not involve the division of land and then set forth design requirements and criteria that the developer has to meet. There are provisions in the Ordinance as financial guarantees. Developers receive a preliminary plat approval; otherwise, meeting the preliminary requirements. This entitles him to develop a final plat, one that will be recorded. Once that final plat is developed, he still cannot record it until the infrastructure that is required is installed. That can create a problem for the developer as what he wants to do is to get the project started and when he sells lots, he can help pay for the infrastructure that is needed to support that development. What we have here is a section that sets up financial guarantees. If a developer comes before the Planning Commission and the Council and requests that he give you a financial instrument that would be approved by the Council and City Attorney, that basically pledges and secures the installation of those improvements. It puts you in a position of negotiation to give him needed relief in order for him to establish that subdivision, but at the same time assures you the necessary improvements will be made. Your involvement in this administration is minimal; however, if guarantees are involved, you will be directly involved. The Planning Commission and the Zoning Administrator would be involved greatly. When you adopt this Ordinance; you are saying it is fine for now unless you amend it at a future point like when you amend the Zoning Ordinance or Zoning Map. You are saying to the Planning Commission it is up to you to enforce these regulations now. If a developer does not agree with the Planning Commission, his recourse is to Circuit Court. If the Planning Commission denies a plat, then the developer is forced to work out a compromise or develop a plat that is accepted by the Planning Commission unless the Planning Commission would grant a variance. Unlike with the zoning process, where the Planning Commission makes recommendations and you make the changes and any recourse of a hearing is required, it then goes to the Zoning Board of Appeals. The Planning Commission basically operates as the review and approval agency but also the entity that can relax and approve these regulations accordingly. I served on the Richland County Planning Commission for eight years and the only time we actually reviewed and approved plats is when they did not meet the strict standards and requirements of the Ordinance. We essentially gave that job to the administrative staff. It states in black and white what you have to do to get your plat approved and when you do that, you will get it approved. The standard procedure was to accept the recommendations of the staff. Those that were brought to our attention were usual grounds such as hardship on a developer to meet the strict rules and regulations. There has to be a provision in place to provide for relief in the event you have a situation that just doesn't fit. The Planning Commission acts as an approving authority or relief authority. If he feels like he needs to appeal, he can go to Circuit Court. In my recollection, I don't think anything has been sent to court. We also have in this Ordinance a checklist that is designed to be used by the developer to make sure he has addressed everything and to expedite the process."

Mayor Pro Tem Haire stated, "I am a little troubled by the fact that the Zoning Administrator has the final say and we don't have any authority, it is being given away. What is the rationale of going to Circuit Court instead of Council?"

Mr. Vismor replied, "That is in State Code and that is the way it was set up. I wasn't consulted when they drafted the State Code or I would not have suggested that as a relief valve and we just cannot get around that."

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Mayor Pro Tem Haire stated, "I have often said that too much authority has been taken away from us by the State and hopefully some day someone will challenge this."

City Administrator Yow stated, "As I said last week, I want to make sure that you know that this does not take the place of the Zoning Ordinance; all of these developments must meet the zoning requirements. This is just for certain types of large developments."

Councilmember Barnwell stated, "I also concur with Mr. Haire's concern with certain powers of Council. Does this apply to in city or outside the city?"

City Administrator Yow replied, "Inside the city."

Councilmember Barnwell asked, "If a developer wants to subdivide property and build A-2 Multi-Family housing right in the middle of a residential section. can he do it, even if it less than five lots?"

Mr. Vismor replied, "No, that is covered by your Zoning Ordinance. That is the use of land where he is going to use property within an established single family area by a multi-family use. That is the use of land. This Ordinance speaks specifically and exclusively to infrastructure, it doesn't have anything to do with land.

Councilmember Barnwell replied, "I still have problems with it as giving up Council's rights."

Mr. Vismor replied, "This Ordinance parallels in a number of ways the land development regulations in Orangburg County so it won't be a new ballgame if they move from the County to the City and vice versa. It was important to keep these as close as possible."

Mayor Pro Tem Haire asked, "Individuals can incur a suit and the City would have to incur costs to fight this suit?"

Mr. Vismor replied, "Yes, but keep in mind, that the regulations are specific so the developer knows what he has to do to convert raw land into the City into developed land in terms of providing the necessary infrastructure and therefore, it is not the Planning Commission that is arbitrary in any regard. The only question is the inability of the developer to meet these regulations. If he cannot meet the regulations, then the Planning Commission will meet with the developer in order to get some relief and it is my experience that they will assist the development in order not to stop development. There are more often to bend the rules than take a hard position to enable a developer to take it to a Circuit Court. There are minimum standards that you have established, if they are too rigid, then you get back into the act with an amendment to the Ordinance. If anytime you feel this is not performing the way you intended it to perform and it is increasing the cost of development and they are bringing this to your attention, then you need to amend them just like you would with the Zoning Ordinance or any other one you would adopt."

Councilmember Barnwell asked, "Why all developments can't be brought before the Planning Commission?"

Mr. Vismor replied, "We tried to take the easier ones out and not encumber the review process. If I owned a strip of land and it already had all the water and sewer lines and I wanted to divide it into three or four lots, why would you want me to hold off on approving that when all I would have to do is go before the Zoning Administrator and he approves it and checks the regulations and they can start building. In most cases streets are in place, water and sewer is there. We have felt in those instances you should not burden the developer in going through the Planning Commission when it is a routine thing; when you would like to streamline the regulations and not inhibit the developer and save time."

Councilmember Barnwell stated, "It sounds to me that this Land Ordinance is more in favor of the developer?"

Mr. Vismor replied, "I wouldn't say that because currently any developer in the City of Orangeburg has no regulations unless they go by Department of Public Utilities. Right now, they have no regulations whereas the County does. It is a whole lot easier than building in the County now because they have regulations and those plats have to go before their Planning Commission or staff. I hardly see it is in favor of the developer."

Councilmember Jernigan stated, "I concur with Councilmember Barnwell and Mayor Pro Tem Haire because I feel like we are out of the loop and the citizens of Orangeburg have elected us to be in that loop and when you take us out, it is not fair to them."

Mr. Vismor replied, "Currently, you are not in the loop, because there is no loop."

City Administrator Yow stated, "That is why I stated before, I think there is some confusion on this. There is no authority taken away from City Council, you will still have the same authority. This is additional regulation and if you didn't adopt this, there won't be any regulations. It is your decision what goes in the Ordinance, it is new requirements, it is not putting less on them. I don't think any developer would argue that this is giving them more leverage. I think state law doesn't allow this to be appealed to Council; therefore if we don't adopt it, they operate under only our current Zoning Ordinance now."

Councilmember Jernigan asked, "In the past, I think a developer would go before the Planning Commission and then it came to us?"

City Administrator Yow replied, "It still will."

Councilmember Jernigan asked, "What is wrong with this coming to us after it comes to the Planning Commission?"

City Administrator Yow replied, "State law doesn't allow it other than the financial guarantee."

Mr. Vismor stated, "That is correct, it comes to you for an Ordinance change. If you were going to change the Ordinance, it would back to Council. If a developer wanted some relief, it wouldn't go to you, it would go to the Zoning Board of Appeals. The point I was trying to make earlier, under your Zoning Ordinance you have a Zoning Board of Appeals that can accept appeals. Under this Ordinance, there is no Zoning Board of Appeals, the Planning Commission can review and approve them even though it doesn't meet the strict definitions in this Ordinance. They have more authority outside of and beyond the strict regulations. If there is any kind of conflict between the Commission and developer, it goes to court. In my experience, if there is any kind of conflict, the developer knows what he has to do and unless there are extenuating circumstances that he cannot do it and he can convince the Planning Commission of these, nine times out of ten, they will compromise. It is not going to court in all likelihood, it is going to be resolved at the Planning Commission and administrative level. It is like Fred, he has his regulations and developers he has to work with and if they can't meet them and they feel if there is a circumstance to provide relief, he may consider it."

City Attorney Walsh stated, "The Planning Commission under this Ordinance is acting like the Board of Appeals, there are no changes."

Councilmember Jernigan stated "I understand that, but if I had a piece of property that met all the zoning regulations and someone wanted to build a hospital on this piece and it met all the regulations, but some citizens around the neighborhood doesn't want this there. What are we going to tell them, we are not in control, you have to talk to the Planning Commission."

**Page 5**

Mr. Vismor replied, "No, that is zoning."

City Attorney Walsh replied, "There are a few times where the Circuit Court and Supreme Court could overturn what the City does because they have met the requirements."

Mr. Vismor stated, "It gets back to zoning regulations and these regulations. If they allow something that you don't think ought to be allowed, then the regulations should be addressed. That is where you get back involved and redo the regulations."

Councilmember Jernigan asked, "What if we put something in there where it has to come to us for final approval, but at least it gives us some authority now?"

Mr. Vismor replied, "Again, what you are talking about is not an issue that is covered in these regulations."

City Attorney Walsh stated, "What you are talking about comes with a good Comprehensive Plan, which would prevent that and Council has adopted the Comprehensive Plan."

Mayor Miller asked, "If the subject property is in an area zoned A-1, the only thing that the developer could put in there is A-1, if it was zoned B-1, then all that could be put there is what is in that table in the Comprehensive Plan, so that is the failsafe in passing this Land Development Regulations."

Mr. Vismor stated, "Yes, this has nothing to do with the Zoning Ordinance."

City Attorney Walsh stated, "Currently we have no control over a developer who has a large tract of land, this is to give us more control of a developer over a large piece of property."

Mr. Vismor replied, "I don't think control is the right word, it is that you will ensure that this property is properly developed and the proper infrastructure will be put in place and that is all this Ordinance will accomplish."

Mayor Miller stated, "As we annex property, it is annexed A-1, isn't that correct?"

City Administrator Yow replied, "It is zoned A-1 unless Council makes another zoning recommendation."

Mayor Miller stated, "If we brought in a tract of land and it came in as A-1, unless the developer came before Council and asked for it to be a shopping center; otherwise, it would come in as A-1. That is where Council has their say as to what can and cannot be built on that land."

City Administrator Yow agreed.

City Administrator Yow suggested postponing Second Reading until Council members have an opportunity to contact him for further review of the Land Development Ordinance.

Councilmember Jernigan made a motion to postpone the Second Reading of an Ordinance adopting Land Development regulations for the City of Orangeburg until a later meeting. This motion was seconded by Councilmember Barnwell and unanimously approved.



2000

2000

**Page 6**

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to approve the Second Reading of an Ordinance to approve the Second Reading of an Ordinance to annex the within described property as Orangeburg Foods, Inc., Tax Map #0173-19-03-003 into the City of Orangeburg, South Carolina. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Knotts, 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, Tax Map #0173-19-03-003 to Municipal Council District Five (5). This motion was unanimously approved.

A motion was made by Councilmember Rheney, seconded by Mayor Pro Tem Haire, to approve the Second Reading of an Ordinance to annex the within described property of Stephen D. Nash, Orangeburg Stockyards, located at 805 Whaley Street at Tax Maps #0173-19-03-008/0173-19-03-009 into the City of Orangeburg, South Carolina. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve a Second Reading of an Ordinance to amend the Municipal District Map dated November 6, 2001, for the purpose of adding newly annexed City property, Tax Maps #0173-19-03-008/0173-19-03-009 to Municipal Council District Five (5). This motion was unanimously approved.

A motion was made by Councilmember Barnwell, seconded by Councilmember Knotts, to approve the First Reading of an Ordinance amending the General Terms and Conditions of the Department of Public Utilities to adopt and implement Land Development Regulations of the City. This motion was unanimously approved.

Councilmember Rheney recognized Mr. Harris Davis for his dedicated service to the City's Planning Commission. Mr. Davis resigned from his position on the Planning Commission after approximately twenty (20) years of service.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Jernigan, to enter into an Executive Session for a contractual matter concerning Orangeburg County Chamber of Commerce Building. This motion was unanimously approved.

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

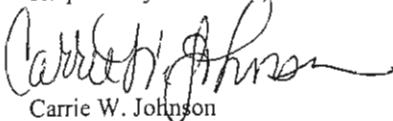
Council returned to Open Session.

Councilmember Barnwell made a motion authorizing the City Administrator to make a payment in the amount of \$120,000 toward the principal balance on debt outstanding on the Orangeburg County Chamber of Commerce building and to put the matter of extending the note on the October 6, 2009 City Council agenda. This motion was seconded by Councilmember Jernigan. 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  
CWJ/pfb



**City Council Minutes**  
**October 6, 2009**

Orangeburg City Council held its regularly scheduled meeting on Tuesday, October 6, 2009, at 7:00 P.M., in Council Chambers with Mayor Miller presiding.

**PRESENT:**

Paul A. Miller, Mayor  
Charles B. Barnwell  
Charles W. Jernigan  
L. Zimmerman Keitt  
Sandra P. Knotts  
Richard F. Stroman

**ABSENT:**

Bernard Haire

Oaths of Office were held for Mayor Paul A. Miller, and Councilmembers Charles B. Barnwell, L. Zimmerman Keitt, and Richard F. Stroman.

Project Life Positeen recognized a class and students from SC State University were recognized.

A motion was made by Mayor Miller, seconded by Councilmember Jernigan to change the meeting time at the October 20, 2009 meeting to 6:00 p.m. This motion was unanimously approved.

A Public Hearing was held on a zoning change request from A-2 Multi-Family Residential District to O-1, Office-Institutional Residential District, property belonging to Charles L. Dibble for property located at the intersection of Middleton Street and Adden Street at Tax Map #0152-16-06-003.

Assistant City Administrator John Singh addressed Council on the rezoning request of property located at the intersections of Middleton and Adden Streets.

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

Mr. Bill Davis, representative of Larry Blumberg and Associates of Dothan, Alabama, addressed Council representing Mr. Dibble. "I came up a few weeks ago and met with your planning and zoning. I reviewed the minutes of that meeting and that is what brings me here today. A couple of items I'd like to clarify from that meeting. First of all, it was mentioned in that meeting that we were attempting to rezone the entire parcel at Adden and Middleton Streets. That is not entirely true; we are only requesting the rezoning of 1.27 of the 2.25 acres. We feel that the property is in the transition between residential and commercial. We are not asking for spot zoning. I have copies of the zoning map and the parcel located directly to the west separated by Adden Street is currently zoned O-I. We are not asking for special circumstances, we are only asking for the O-I to be extended across the street." Slides were shown of the proposed site, proposed buildings and the landscape dimensions. "What we are trying to do is to relocate the Social Security Building. They have outgrown their current building and they have solicited bids for new construction. This is our proposal to rezone this property for that purpose. This project will fit in well architecturally. We have done about a dozen of these for Social Security across the Southeast. As you can see, it is a brick facade building that will blend in very well. It will be an office Monday through Friday, open from 8:00 a.m. until 5:00 p.m. with low traffic. It is a good facility to put in this transition area."

Councilmember Jernigan asked about O-I Zoning in the parcel.

Mr. Davis stated, "The Middleton and Adden Street apartments are already zoned."

Councilmember Keitt asked, "Do you still own the current building where Social Security is now?"

Mr. Davis replied, "We do not own that building, it is owned by Mr. Wayne Lorick. What he is planning to do with the building, I am not certain. Social Security is currently soliciting bids to construct a new building."

Councilmember Barnwell stated, "I hate to see another vacant building, I don't want to see a building back up to a residential neighborhood. How long will they be at that location?"

Mr. Davis replied, "They signed a fifteen year lease. I wouldn't pursue this as a developer, if it wasn't feasible."

Councilmember Jernigan asked about spot zoning.

City Attorney Walsh answered this would not be spot zoning.

Mayor Miller asked, "You don't have a contract yet, you are just in a bid situation, is that right?"

Mr. Davis replied. "Yes, you are correct."

Mayor Miller stated, "If we were to overturn the Planning Commission and you didn't get the deal, we would have a piece of property that we rezoned for what?"

Mr. Davis replied, "I would like to offer that if Council would consider this, it would be contingent on my contract. I can't guarantee that, we have built almost every Social Security office in the Southeast in the last five years."

Mayor Miller asked, "I don't even know if that is possible, it is either voted up or down. That is one of the things I have a concern with, if we overturn the Planning Commission. They have spent a lot of time with zoning matters over the years. In this economy, there are a lot of hungry people out there in the bidding process. If we open it up and you do not get the contract, then something else, less desirable may go there. It is a shame that they built that building not long ago and can't retrofit it to suit their needs and not waste tax payer's money."

Mr. Davis stated, "I understand your position and there is no guarantee that my firm will get the project, but if Council voted in favor of the rezoning and someone decided to come in later your City's Planning Commission would still have to ok the use. No one will be able to come in and put a liquor store there because you have defined uses in your municipal code that will prohibit that."

Councilmember Jernigan stated, "It just seems to me that when we have a zoning change it is trying to change residential property to some sort of business and we have tried over time to discourage that as much as possible."

Councilmember Stroman asked, "Have you looked at any other sites?"

**Page 3**

Mr. Davis stated, "GSA gives us a delineated area and this particular site would be the only one that would qualify. I don't know if you are familiar with that corner, but there are some areas that need some sprucing up and I believe that this building would be much more attractive than what is down there now. I understand your concern about a residential area. There are acres there now that are zoned for business and it is not like

going into a residential area putting in a convenience store. It is a transitional area and it is a good fit. The only residential area that we are touching is to the east and we have a buffer zone and landscape zone. The property to the north, we intend that to remain A-2 and that is residential off of Broughton. We are not asking for that to be rezoned. There is a 58.5 foot buffer to the nearest home. I am in a catch-22, without the zoning, there would be no contract."

Hearing no comments the Public Hearing was closed.

Ms. Eddie Glenn Bryant addressed Council, as information, pertaining to the Greater Orangeburg Mayor's Committee on the Employment of People with Disabilities. Council was provided a calendar of events including White Cane Day at SC State University on October 16, 2009.

At the request of City Administrator Yow for Mayor Pro Tem Haire, in his absence, a motion was made by Councilmember Barnwell, seconded by Councilmember Keitt, to table item #4, Second Reading of an Ordinance adopting Land Development Regulations for the City of Orangeburg. This motion was unanimously approved.

A motion was made by Councilmember Keitt, seconded by Councilmember Barnwell, to approve the Third Reading of an Ordinance to annex the within described property as Orangeburg Foods, Inc., Tax Map #0173-19-03-003 into the City of Orangeburg, SC. This motion was unanimously approved.

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to approve Third Reading of an Ordinance to amend the Municipal District Map dated November 6, 2001, for the purpose of adding newly annexed City property, Tax Map #0173-19-03-003 to Municipal Council District Five (5). This motion was unanimously approved.

A motion as made by Councilmember Jernigan, seconded by Councilmember Keitt, to approve the Third Reading of an Ordinance to annex the within described property of Stephen D. Nash, Orangeburg Stockyards, located at 805 Whaley Street at Tax Map #'s 0173-19-03-008/0173-19-03-009 into the City of Orangeburg SC. This motion was unanimously approved.

A motion was made by Councilmember Barnwell, seconded by Councilmember Knotts, 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, Tax Map #'s 0173-19-03-008/0173-19-03-009 to Municipal Council District Five (5). This motion was unanimously approved.

Mr. Don Tribble, Orangeburg County Community of Character Director, accepted the Proclamation for October 2009, "Truthful".

Item #10, First Reading of an Ordinance for a zoning change from A-2 Multi-Family Residential District to O-1 Office-Institutional Residential District property belonging to Charles L. Dibble for property located the intersection of Middleton Street and Adden Street at Tax Map #0152-16-06-003 died for lack of a motion.

2004

**Page 4**

A motion was made by Councilmember Stroman, seconded by Councilmember Jernigan, to authorize City Administrator Yow to accept the Grant/Violence Against Women Act in the amount of \$47,450.00 with a local match of \$15,817.00. This motion was unanimously approved.

A motion was made by Councilmember Jernigan, seconded by Councilmember Keitt, to pass a Resolution to apply for \$400,000 Community Development Block Grant for the purpose of redeveloping Boswell Street Neighborhood. This motion was unanimously approved.

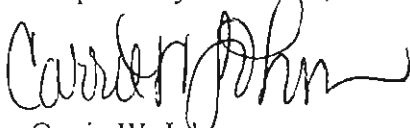
A motion was made by Councilmember Jernigan, seconded by Councilmember Barnwell, to pass a Resolution authorizing the extension of the mortgage to SC Bank and Trust on the Orangeburg County Chamber Building and authorizing payment in the amount of \$120,000 for principal loan reduction. This motion was unanimously approved.

A motion was made by Councilmember Barnwell, seconded by Councilmember Knotts, to table item #14, Second Reading of an Ordinance amending the General Terms and conditions of the Department of Public Utilities to adopt and implement Land Development Regulations of the City, since the Second Reading of an Ordinance adopting Land Development Regulations for the City has been tabled. This motion was unanimously approved.

A motion was made by Councilmember Barnwell, seconded by Councilmember Keitt, 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

### Resolution to apply for \$400,000 Community Development Block Grant for the purpose of redeveloping Boswell Street Neighborhood

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

**WHEREAS,** the City of Orangeburg, Orangeburg County, South Carolina is applying for a (CDBG) Community Development Block Grant in the amount of \$400,000 for Neighborhood Revitalization in the Boswell Neighborhood; and,

**WHEREAS,** the City of Orangeburg, Orangeburg County, South Carolina must supply 10% matching funds for a Community Development Block Grant; and,

**WHEREAS,** the City of Orangeburg, Orangeburg County, South Carolina is committing the required 10% matching funds.

**NOW, THEREFORE, BE IT RESOLVED,** by the Mayor and Members of City Council this sixth day of October, 2009, in Orangeburg, South Carolina to apply for CDBG Grant Funds in the amount of \$400,000 for Boswell Street Neighborhood Redevelopment.



*Paul G. Min*

Mayor

*Sandra F. Smith*

*Charles B. Samuels*

*L. J. Smith*

*Richard A. Smith*

*Richard A. Smith*

Members of Council

ATTEST:

*Carolee John*

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 South Carolina Bank and Trust to extend the maturity date of its loan secured by said mortgage, and;

**WHEREAS**, South Carolina Bank and Trust has agreed to said extension conditioned on a reduction of the outstanding principal.

**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 October 6, 2010 in consideration of a principal loan reduction in the amount of \$120,000.00 to be paid by the City.

**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 and take all other necessary actions authorized by this resolution.

DONE AND RATIFIED BY THE CITY OF ORANGEBURG, STATE OF SOUTH CAROLINA THIS 6<sup>th</sup> DAY OF OCTOBER, 2009.



Mayor

*Paul G. Min*  
*Sandra P. Kistner*  
*Charles B. Bannell Jr.*  
*Stephen L. Lott*  
*Chris D. Dyer*  
*Richard J. Starnes*

Members of Council

ATTEST:

*Carrington Johnson*  
City Clerk

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**City Council Minutes  
October 20, 2009**

Orangeburg City Council held its regularly scheduled meeting on Tuesday, October 6, 2009, at 7:00 P.M., in Council Chambers with Mayor Miller presiding.

**PRESENT:**

Paul A. Miller, Mayor  
Bernard Haire  
Charles B. Barnwell  
L. Zimmerman Keitt  
Sandra P. Knotts  
Richard F. Stroman

**ABSENT:**

Charles W. Jernigan

Mayor Miller recognized students from SC State University and Claflin University and a Boy Scout working on a communications badge.

A motion was made by Councilmember Keitt, seconded by Councilmember Knotts, to approve the October 6, 2009 minutes as distributed. Mayor Miller, Councilmembers Keitt, Knotts and Stroman voted for the approval of the minutes and Mayor Pro Tem Haire abstained and Councilmember Barnwell was not present at the time of the voting.

DPU Manager Fred Boatwright and Director of the Electrical Division John Bagwell presented David G. Long a Retiree Resolution for his thirty (30) years, six (6) months and twenty-four (24) days of service to the Department of Public Utilities.

City Administrator Yow addressed Council. He stated, "We have had First Reading on adopting the Land development Regulations Ordinance a few meetings ago. This Ordinance is very similar to those used by other governments including Orangeburg County. Mr. Dan Vismor came and presented this to Council at First Reading. He has worked with Orangeburg County on their Land Development Ordinance. We may have developers in the City and in the County that are developing tracts. It would be beneficial to have similar Land Development Ordinances. We started looking at this about a year ago. As we annex large tracts of land and undeveloped tracts, we needed something to complement the Comprehensive Plan and the Zoning Ordinance and conditions. This does not substitute or take the place of the Zoning Ordinance or Comprehensive Plan. All of the conditions of both of these Ordinances are still in effect. The Land Development Ordinance goes beyond the Zoning Ordinance into the areas and events of infrastructure. It ensures the City's standards are met with adequate utilities, streets, sidewalks, drainage, greens pace and traffic patterns. It even has dimensions and designs of curbs and gutters. It is necessary for a developer to meet those requirements that we have set forth before a plat is recorded. The Ordinance helps eliminate any subjective determination on what is adequate infrastructure. Right now, we do not have anything to determine that. This gives us another tool to protect persons who move into a Development but at the same time it is assisting the Developer with clear guidelines to meet and follow and if they do that they can reasonably expect their approval of plans by the City. It is a balancing thing to protect the City and the citizens. I would recommend we proceed with Second Reading."

**2006**

Mr. Marion Moore from the audience asked if it was voted on tonight, when it would be brought back for final reading. City Administrator Yow stated, "In two weeks." City Administrator Yow would get Mr. Moore a copy of the Ordinance for his review.

Councilmember Barnwell stated, "Initially, I had some apprehensions on this, but after reading and researching, State Law supersedes us and we have to have this in place because we have nothing now."

A motion was made by Councilmember Barnwell, seconded by Councilmember Keitt, to approve the Second Reading of an Ordinance adopting a Land Development Regulation for the City.

MPT Haire stated, "While I have had some concerns, I plan to vote in favor of this. Once again, I'd like to state my dislike to Legislation as it seems we are still being left out of proceedings and appeal processes. Home Rule was voted on some years ago and it seems that is being eroded."

Carrie: Was it unanimously and where do you want me to put this since Haire made a comment before voting.

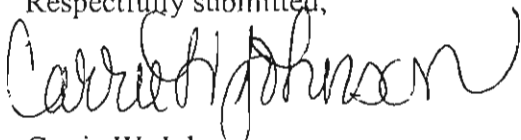
A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Knotts, to approve the Second Reading of an Ordinance amending the General Terms and Conditions of the Department of Public Utilities to adopt and implement Land Development Regulations of the City. This motion was unanimously approved.

Mayor Pro Tem Haire made a motion for City Administrator Yow to write a letter to the Highway Department for their help in solving the drainage problem on Maxcy Street. It was seconded by Councilmember Barnwell and unanimously approved.

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

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson  
City Clerk

/pfb



**City Council Meeting  
November 3, 2009**

**2007**

Orangeburg City Council held its regularly scheduled meeting on Tuesday, November 3, 2009 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**  
**L. Zimmerman Keitt**  
**Sandra P. Knotts**  
**Richard F. Stroman**

Mayor Miller mentioned that next Wednesday, November 11, 2009 would be a little more than a regular Veterans Day. The City will dedicate the Veterans Memorial Park on this day. The dedication will be held in conjunction with the Veterans Memorial Services. Lt. E.G. Buck Shuler, Orangeburg resident, US Air Force- Retired, will be the guest speaker. Information will be in the paper and the street will be blocked from 301 to Riverside. We will have people movers for people parking in the Gardens and needing transportation. There will also be a fly over at 11:25 A.M. The monument has been in talks for 10 years and is being paid for by the Penny Capital Sales Tax Program. All the bricks have been sold at this time. Refreshments will be provided on the front porch of the Chamber and the Jarvis Brothers will be providing the entertainment. The program will begin at 11:00 A.M.

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to approve the October 20, 2009, minutes as distributed. This was a 6-0-1 vote as Councilmember Jernigan was not present at the last meeting.

Mr. Marion Moore addressed Council. He stated, "I stand before you tonight as a very concerned citizen of Orangeburg, not as a local realtor and developer. I am here to address the Land Planning Ordinance. I have done some research since the last meeting and I am asking you to reject or at the very least, table it, until some further study can be done to show its impact on the citizens of this community. Realize I said citizens, not developers or builders. I will not stand before you and go through every page of such an ill formed document. This is the broadest, most oppressive, cumbersome document that I have ever reviewed in my 35 years in real estate. It is, in my opinion, total counter productive in what we should be doing in trying to grow our City. Nobody would deny that we do need a program for development; this is just over the top. I hope that you have had time to study this because it is a very complex document. I think that it will stifle development in the City and force development in the County. It will raise the cost of any new housing and business development and guess who's going to pay for that, me and you. With this new plan it could raise the cost of hard development, the roads and infrastructure cost of any new development by 15 to 25 percent. By stifling the growth it will reduce the future real estate tax base in the City. It will also make us less competitive to attract new business in Orangeburg. This will just be one more brick in the wall for not getting new business. I have not been able to get an answer as to why this came about with the Planning Commission, but from what I have gathered, it was due to a developer not doing what he was supposed to do and clearly it cost DPU a sum of money. If that is the problem, let's address that problem; do not throw the baby out with the bath water. Let's pass an Ordinance that would protect DPU from this again, not something that is so broad and menacing as this Plan. It is not like the City is overrun with rampant unsupervised new development. We have a great Council, administration, building inspectors than I have ever seen in my 35 years. Even with what the County has right now, this Plan is more stringent than what the County has. I can't think of one development done in the City in the recent past that was not done tasteful and pleasing and passed all the DHEC and City inspections imposed on it. Just let the public know what the major problems are if we are having them. I am not sure taking the Council out of the circle is the best thing to do. This is about the future of the City of Orangeburg. We just need to be very careful how we position ourselves to other cities. I ask that you take a stand tonight and reject this Ordinance or at least table this so that it can be studied further."

2008 Mayor Pro Tem Haire asked, "Are you familiar with the Point of Sale Bill and what that particular Bill would do to cities, counties and school boards as it relates, if it is passed."

Mr. Moore stated, "I understand it is going to create more revenue for the City"

Mayor Pro Tem Haire stated, "It was going to create more revenue?"

Mr. Moore said, "I would think by adding more taxes."

Mayor Pro Tem Haire said, "According to the way he understands that legislation, the legislation that came up in 2006 that gave some relief to people to help keep them in their homes and in that legislation, you could only in 5 years raise the mileage by 15%. Under this particular plan with the Point of Sale, if that house has a value of 100K and the realtor sells it for 125K, we cannot get that full value of 125K, we can only get 115K as it relates to value because we can not go over 15%. You, as a realtor, come to us and ask us for our understanding with this particular legislation that was generated in the State Legislature that prevents us from doing what we are talking about doing; but on the other hand you all as realtors, and I am not saying you in particular, are working with it, but you as realtors are tying our hands as what we can do in our local government and you are criticizing that portion of the legislation that prevents us from doing something but you are supporting a piece of legislation that's preventing us from doing something."

Mr. Moore stated, "I was never for POS, I am not here representing any realtors or my company. I want the City to grow so that the City will have a larger tax base. I think if you adopt this Ordinance, I think you will see less growth."

Mayor Pro Tem Haire stated, "You mean less growth as the City annexing?"

Mr. Moore stated, "I think it will be a tougher fight, I'm not saying you won't get it, but people will be less inclined to come into the City with these regulations. That is just my opinion though."

Councilmember Barnwell stated, "As far as excluding Council, it was by state statute and that is what he was opposed to, but that was something that state legislature has done, but I would love to be able to help, but there is no choice."

Mr. Moore stated, "There were more choices, there were several things in the Ordinance that they could change or omit."

Councilmember Barnwell stated, "I am not a developer, but were there some specifics that you are strongly opposed to?"

Mr. Moore stated, "Some of the changes for the road building are outrageous, the new platting procedures are unbelievable, the fact that DPU would no longer put the utilities in, that would be left up to the developer. I have a lot of points, but I think this is just an ill formed document. "

Councilmember Barnwell asked, "If it was going to cost the resident more money to purchase a house? "

Mr. Moore stated, "I am telling you, for a fact, it will cost you more to buy a house in the City period, because the infrastructure cost to bring that into the City would be so great."

Mayor Pro Tem Haire asked, "If it was okay for the City to bear the cost of that infrastructure but not the realtor?"

Mr. Moore stated, "I'm not saying that at all, but that it has changed the rules."

Mayor Pro Tem Haire stated, "The same infrastructure that we are talking about DPU Manager Boatwright has been providing that; so in other words, now you are saying it has shifted to the developer; therefore, it is okay for DPU to pay for it, but not the developer. "

Mr. Moore stated, "Yes, but DPU will get paid for it by tap fees and ongoing cost of the utilities that is what you all do. But the developer would have to pay that and then that cost is passed on to the consumer."

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Mayor Miller asked, "What's the difference between the City Land Planning Ordinance and the one the County has?"

Mr. Moore stated, "That's a great question and it was asked by the vice-chairman of the Planning Commission and it was never answered. This document is quite more stringent than the County document in every way."

City Administrator Yow stated, "I can answer that, and I stated on the phone that I had a list of that as an example, the street's pavement width, the requirements are the same in the City and the County. The required right-of-way widths are actually 50 feet for City and 66 feet for the County and only 50 for the City, so it is actually less in the City. The standards that the roads have to be built to are the Highway Department standards. The one difference Mr. Moore is correct on, is that the City requires curb and gutters which could provide extra cost."

Mr. Moore stated, "The planning process and the bonding fees are quite different. An area like Laurel Hill or Edisto Plantation, that we developed, would not be good enough to have in the City. I just think that this document would provide more than our economic demographics can handle."

City Administrator Yow stated, "In fairness to Mr. Moore, he left one thing out, the main arterial roads will require sidewalks, but that is negotiable in this document."

Mayor Miller stated, "I hear what Mr. Moore is saying but was not hearing what it is specifically; what you want us to table to discuss. We don't have to pass this tonight, we can table it and come back and beat it around some more, but going back to the initial questions, what is the difference for what you have to do in the County versus in the City?"

Mr. Moore stated, "I will be glad to provide a document to you for that."

Mayor Miller stated, "I have read the Land Plan several times and it is very complicated and I'm not sure if Attorney Walsh could answer what some of the differences were or let Mr. Vismor come back and tell us what the differences are. I believe we just need some sort of documents in place to control how the development is going to be in the City."

Mr. Moore stated, "Nobody would disagree with that."

Mayor Miller stated, "One thing he did like in it was that he, Mr. Moore as a developer, had a list of things that you have to check off, if you will and if you comply then there is no saying no. You comply, you are good to go. As it stands now, that may not be the case. I don't like it being able to come back to Council no more than any other Councilmember, but it is State Law, so there is no choice on it."

Mayor Miller stated, "I am willing to look at something further, if there is something to look at."

Mr. Moore stated, "I think it all needs to be looked at, from start to finish."

Mayor Miller stated, "I want to know what the difference is if you are going to do a development in the County versus doing one in the City."

Councilmember Moore asked that they let him or someone that can work on this before; they make a decision on it.

Mayor Pro Tem Haire stated, "I think that staff has done an excellent job in explaining it to Council and that we need to move forward with it. I think we have delayed enough on this particular document."

Councilmember Jernigan stated, "He has been against this for a long time now, because there seems to be after listening to everyone else, different points from different people on this Ordinance as to what is wrong. Everybody doesn't agree to it and everybody is probably not going to agree to it at any point in time, but with as many people disagreeing to it, I think we need to take a good hard look at it. As far as leaving Council out, I don't like that idea either and if we don't stand up and take a stand if we don't like it because the state is saying it, then they are going to continue to do it and Home Rule is going to continue to erode and we are going to get left out of a lot of things when they come up as it relates to Ordinances. Based on those things, I make a motion that we table this for further study."

2010

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Councilmember Keitt seconded Councilmember's Jernigan motion. She stated she wanted to have more studies on it before they passed it. This was a 5-2 vote as Mayor Pro Tem Haire and Councilmember Knotts opposed.

Councilmembers Barnwell and Keitt stated they wanted to address it at the next council meeting, and Council Jernigan stated he would like to see Mr. Vismor attend the November 17<sup>th</sup> meeting.

City Administrator Yow asked Council what they wanted studied.

Mayor Miller, Councilmembers Keitt and Barnwell stated they wanted to know the differences between the City and County Ordinance. Councilmember Keitt also stated she wanted to know whether we are looking out for our constituents, that is important, to see if it is going to be valuable to them.

Mayor Miller stated, "What's the difference was between Mr. Moore, Mr. Berry, and Mr. Hutto, any of these guys building in the City versus building in the County. This is my number one question. If we are fairly equal then there is not an argument as to whether to build in the City or build in the County."

City Administrator Yow stated, "They could do that, but he wanted to make one point and that was that building in a rural area and building in an urban area were not the same and they should not necessarily be the same. That's why some people choose to live in the County and some choose to live in the City."

Mayor Miller stated, "I will bring it back at the next meeting for third reading provided that we can get the information and Mr. Vismor to attend."

Council stated that Mr. Moore would be responsible for providing the cost analysis.

Councilmember Jernigan stated, "I think with something this important we need to make sure we are doing the right thing the right way."

City Administrator Yow stated, "I will be happy to meet with Mr. Moore and Mr. Vismor."

Mr. Moore thanked Council.

City Attorney Walsh asked, "What is the time table for getting documents?"

City Administrator Yow stated, "He could give a list of the differences, but that he would be happy to put Mr. Moore and Mr. Vismor together, and he would be there with them."

City Administrator Yow stated, "Mr. Moore, anything that the City has already committed to with the utilities and such, we plan on keeping that commitment." DPU Manager Boatwright agreed with this.

Mr. Moore asked, "Does any other City owned utility provide services to developers?"

DPU Manager Boatwright stated, "There are other cities that provide utilities up to the property line, which is what the City/DPU are proposing and they do charge impact fees, but they do not come close to covering the cost. Someone has to pay, either the developer or the utility rate payers."

Mayor Miller presented the Community Character Trait, "Forgiveness " for the month of November 2009 to Ms. Betty Stone.

Mayor Miller stated that he needed a motion to table the Land Ordinance for DPU.

Councilmember Barnwell made motion, seconded by Councilmember Jernigan to table the Land Ordinance. This was unanimously approved.

Mayor Miller asked for a motion to go into Executive Session to discuss a contractual and legal matter concerning Administration Department and DPU regarding health and dental coverage.

Mayor Pro Tem Haire made a motion, seconded by Councilmember Keitt. This was unanimously approved.

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

City Administrator Yow asked for a motion to allow the City Administrator to enter into a contract for health and dental insurance. City Administrator Yow stated, "The City has been with SCLGAG for 18 years and has had a very good relationship with this organization, which is a part of the Municipal Association of South Carolina. Due to the continued escalation of health insurance cost, not just with SCLGAG but nationwide, the City started a year ago to research changing our provider. We have a recommendation from Mr. Boatwright and I that we leave SCLGAG.

Mayor Pro tem Haire made a motion to accept the recommendation coming from the City Administrator and DPU Manager as it relates to leaving our health care provider, SCLGAG. This motion was seconded by Councilmember Jernigan. This motion was unanimously approved.

City Administrator Yow asked for direction to award a contract for the medical.

Councilmember Keitt asked for a motion to accept the low bid proposal from Plan Benefit Services in the amount of \$ 2,875,452.24 and authorize City Administrator Yow to enter into the contract. This motion was seconded by Mayor Pro Tem Haire and was unanimously approved.

City Administrator Yow asked for direction from Council on dental/life/vision coverage.

Councilmember Knotts asked for a motion to approve the motion for dental/life/vision for Grampian Hills Insurance Agency in the amount of 198,082.80 and authorizing City Administrator Yow to enter into the contract. This motion was seconded by Councilmember Keitt and was unanimously approved.

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

Respectfully submitted,

Duane Tarrant  
Assistant City Clerk

DT/pfb





**Medical/Dental Insurance  
Workshop  
2012  
November 3, 2009**

Orangeburg City Council held a Medical /Dental Insurance Workshop Meeting on Tuesday, November 3, 2009 at 5:30 P.M., in Council Chambers Executive Board Room.

**PRESENT:**

**Paul A. Miller, Mayor**  
**Charles B. Barnwell**  
**Charles W. Jernigan**  
**L. Zimmerman Keitt**  
**Sandra P. Knotts**  
**Richard F. Stroman**  
**John H. Yow, City Administrator**  
**John D. Singh, Assistant City Administrator**  
**Duane Tarrant, Assistant Finance Director**  
**Mike Sells, DPU**  
**Fred Boatwright, DPU Manager**  
**Gary Snyder, Insurance Consultant**

**ABSENT:**

**Bernard Haire**

Mayor Miller thanked everyone for coming early. He introduced Mike Sells, DPU and Gary Snyder as the consultant that has been working with the City/DPU.

DPU Manager Boatwright asked to make an opening comment.

Boatwright thanked everyone for coming and taking time to listen to this very important issue. Boatwright stated that Sells would be going through the whole presentation again, for the sake of the two (2) new council members. Boatwright stated that Mr. Gary Snyder of Carolina Benefits Group had worked with us to come up with a plan for two things, first to help protect the City/DPU for the cost of the health insurance, as well as the GASB liability, and second to protect the employees and retirees to help keep their cost low and still provide them with the best coverage/plan. He stated that he was very pleased with where we(City/DPU) were, but that there were couple of differences from last presentation.

Sells thanked everyone that had helped with the work that had been done on the plan. Sells presented a power point presentation that would be looking at a comparison of our medical benefits for employees and retirees now versus what we propose them to be. He stated that there are two key issues, the medical insurance cost and the GASB 45 liability. Sells stated that this insurance problem has been growing for years and years and it is a national problem. Our accountants tell us that we need to set aside \$2.8 million annually to fund this GASB 45 liability. Lowering the GASB 45 liability is the key and the way to do that is to change our health insurance obligations.

Councilmember Jernigan asked, "If we were to set aside this money and it goes on our books, does it go on our books as an asset or a liability?"

Mr. Sells stated, "It will go on as an asset, but the liability portion is what we promised, the future benefits for our employees."

Councilmember Barnwell asked, "What do you mean by promise".

Mr. Sells stated , "It was the portion of the benefits and medical insurance that the City/DPU would be paying for the future retirees. The Resolution right now states that when a person retires between certain ages, that the City pays a portion of the benefits. 2013

Yow stated the it (the yearly funded amount) doesn't really go on our books, it goes in an Irrevocable Trust . Sells stated that the money goes in the trust, but the liability goes on our books and may affect our future ability to borrow money. Yow stated that the money is an asset but it goes in the Trust and is dedicated to paying the future benefits for those retirees. Once it goes in the trust, City Council or the City will never be able to do anything with it or retrieve it.

Mr. Sells stated that with the new insurance proposals that is what we are trying to prevent from happening.

Councilmember Barnwell asked, "How many cities in South Carolina have funded this."

City Administrator Yow stated, "Some have partially funded it but none have fully funded it.

Mr. Sells stated that we are trying to get the liability low so that if we had to fund it, we could.

DPU Manager Boatwright stated, "He has not found an attorney yet that could tell him that there was a law stating that the City had to fund this trust, but you do have to disclose it and that is the key and it could affect the credit rating of the City."

Mr. Sells stated. "In 1999 our insurance costs were at\$ 1.8 million and it has done nothing but go up and up and in April 2009 we were told to expect a \$ 4.1 million renewal figure. South Carolina Local Government Assurance Group is a part of the Municipal Association of South Carolina and we are in a self-funded plan. It is a high risk plan and has been very good for us in the 1980's and 1990's, we did well with it. Within the last few years we have had some bad years."

Councilmember Keitt asked , "It is because of health problems with people that is what has caused the cost to go up?

Mr. Sells stated, "It is mostly just the high cost of insurance and rate increases.

Councilmember Keitt stated, "I know a lot of people are having a lot of health issues."

Mr. Sells stated, "We will have to face a runoff, whether we leave now or in the future. LGAG has told us we would have a renewal cost of \$4.1 million. We told them that it would not work and they went to Medcost and came back with a new figure of \$3.2 million, but with a lesser plan options. We went and talked with Gary and an actuarial company and Blue Cross/BlueShield came back with a proposed price of \$3 million with our exact same plan. We found that if we split our medical insurance, dental, vision and life that we could get a better price on them. The plan that BlueCross Blue Shield has proposed is the same plan we have now. Blue cross Blue Shield also said for the first 2 months, since we would have the runoff from our current coverage, that they would let us defer half of the monthly premiums for January and February 2010 to help with cash flow since we have the runoff. Blue Cross Blue Shield also promised the first year renewal would not be any higher than 11%. We are recommending that we go to Blue Cross Blue Shield and continue to pay for 100% of the employee's premium. We would be changing our tier schedule for spouse, dependents and family portion that the city would pay. To help our GASB 45 liability we will need to cease all retiree benefits for employees hired after 12-31-09. This will change our GASB 45 liability for future years. What will we offer to retain new employees if we cease retiree benefits? We are proposing we offer them an HSA – Health Savings Account that is where we offer them money today. If we give it today, it isn't a GASB 45 liability."

2014  
City Administrator Yow stated, "We are not promising anything to retirees or future employees. It means that the Council next year and the next can change what they feel like is appropriate to offer retirees based on an annual basis. Yow stated that Council would have to repeal the old Retiree Medical Resolutions but the new one would be written so that no one would be able to say that we made a promise to them for benefits. Promises will only be on an annual basis for that budget year."

Mr. Sells stated, "What they wanted to offer was a \$100 benefit for that HSA. If the employee will save this and does not spend it, once they retire they will have this money to pay for their medical insurance. Yow stated that there is a tax savings to this, as long as they use it for medical."

Mr. Boatwright stated that the employee can add to it. City Administrator Yow stated that there was a maximum. Mr. Gary Snyder stated this year it was an individual maximum of \$3000. Mr. Sells stated that the way the HSA works is that the younger employee will see this as an appealing option.

The post 65 employees now have a better plan than the active employees. We would replace their coverage with a \$99/month Medicare advantage plan and then give those a \$70/month HRA – Health Reimbursement Account type benefit if they incur costs above \$2,000 during a plan year. We would also eliminate the \$22.23 monthly spousal benefit.

City Administrator Yow stated that that means we will no longer be paying anything on the spouse coverage for post 65.

The only difference in the active employee plan and the new Medicare Advantage Plan is the maximum exposure. The maximum exposure for active employee is \$2,000 and retiree is \$2,845. That is the only difference. It is not quite as good, but comparable. City Administrator Yow stated, the retiree is responsible for the first \$2,000 just like the employee, but once they reach it, the City will fund the other \$845 out of the \$70/month HRA.

Barnwell asked, "What are the copays for the prescriptions on the Medicare advantage?"

Mr. Sells stated, "It was \$9, \$40, and \$75 for the new plan."

The pre 65 retirees have always had a low rate. We are proposing to move them to the active rate, to get the price in line with the plan that they are on. The City would help contribute \$100 for the spouse premium on the pre 65 group due to the amount changing so much to get the rates in line. This would be only for current retirees in that situation at this time. Future employees that retire in this area will be told what the true figure will be. City Administrator Yow stated that we would need to notify LGAG and get the claims ran through. He wanted to let Council know that due to those claims, you won't realize a \$900K savings the first year due to the runoff of claims.

Councilmember Jernigan wanted to know how much LGAG worked to keep us. DPU Manager Boatwright and City Administrator Yow stated they came down from \$ 4.1 million to \$3.2 million, but they also changed the plan some. City Administrator Yow also stated that they went back out to the larger providers and got deeper discounts.

Councilmember Barnwell asked how much we would save from the half premiums. City Administrator Yow stated that you don't save, you have to pay your premium, and they just defer the payment until a later date to help with cash flow in paying the runoff. We may not take the half premium deal and are not required to. We would analyze the interest rate BC/BS would apply to the deferral. Councilmember Barnwell stated he was ready to get this done.

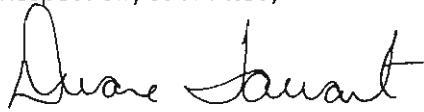
City Administrator Yow stated we would need to do some education with our employees and retirees. He also stated that the City would have to redo the Resolution that concerns the retirees and the "promise" that employees refer too. 2015

Bids will be discussed in Executive Session and then Council will need to decide on which company to go with and give City Administrator Yow permission to analyze and enter into contracts.

Mr. Sells stated again "That there are a lot of cities that are just not offering any retiree insurance coverage. City Administrator Yow stated that some cities are even charging a portion for employees and do not offer any family or dependent coverage.

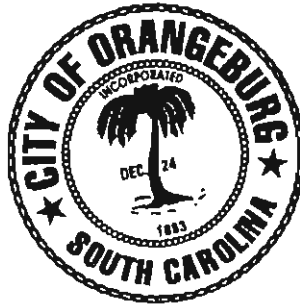
Mayor Miller thanked Mr. Gary Snyder for coming and all of his hard work.

Respectfully submitted,



Duane Tarrant  
Assistant Finance Clerk

DT/pfb



**City Council Meeting  
November 17, 2009**

**2016**

Orangeburg City Council held its regularly scheduled meeting on Tuesday, November 17, 2009 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  
L. Zimmerman Keitt  
Sandra P. Knotts  
Richard F. Stroman**

A motion was made by Mayor Miller, seconded by Councilmember Keitt, to hold the next City Council meeting on December 1, 2009 at 6:00 P.M. instead of 7:00 P.M. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the November 3, 2009 City Council Minutes as distributed. This motion was unanimously approved.

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to approve the November 3, 2009 Medical/Dental Insurance Workshop Minutes as distributed. This was a 6-0-1 vote as Mayor Pro Tem Haire abstained as he was not present at the meeting.

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to elect Councilmember Haire to serve as Mayor Pro Tem after the September 2009 election of Councilmembers. This motion was unanimously approved.

A motion was made by Councilmember Jernigan, seconded by Mayor Pro Haire, to approve authorization for the City Administrator to accept the Highway Safety Grant in the amount of \$149,848, with no local match. This grant provides funding for two full-time officer positions with salary and fringe benefits to include two vehicles with needed equipment. The goal of this project is to provide the City with an advanced DUI enforcement team to allow for greater identification and enforcement of DUI violations in the City.

There were no utility matters brought before Council.

A motion was made Councilmember Keitt, seconded by Mayor Pro Tem Haire, to enter into an Executive Session for a contractual and legal matter concerning dental/vision insurance.

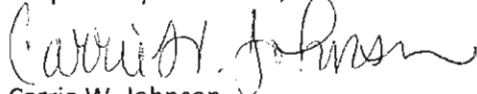
A motion was made by Councilmember Keitt, seconded by Mayor Pro Tem Haire, for Council to return to Open Session. This motion was unanimously approved.

A motion was made by Councilmember Barnwell, seconded by Councilmember Keitt, to rescind the prior award to Grampian Hills Insurance Company for Dental, Vision and Life Insurance and award the contract to Hibbits and Nash in the amount of \$198,082.80. This motion was unanimously approved.

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

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson  
City Clerk

/pfb



## City Council Meeting December 15, 2009

2017

Orangeburg City Council held a Public Hearing on Tuesday, December 15, 2009, at 7:00 P. M. in Council Chambers with Mayor Miller presiding. The subject of the Public Hearing was the Proposed Land Development Regulations.

Ms. Alice Hutto of Broughton Street addressed Council. She stated, "I enjoy living in Orangeburg and the services I get from the City and DPU. I am in the real estate business, I do sell houses. I am concerned about the costs that this Ordinance will have on the homes in Orangeburg. We lose a lot of clients to Lexington and Columbia because we can't match their quantity, we do quality. I know you want to see the City of Orangeburg grow and I do not want to lose customers to those other cities. This will affect the housing market. I am not a developer and I know you want to see the city grow and I know you do that through annexation. I do feel this will create a problem for us down the road and for me, personally, in about 10 years when I want to downsize."

Mayor Miller asked, "I need you to clarify something. Go back to what you said about losing customers to Lexington and Columbia rather than them living in Orangeburg, explain that to me."

Ms. Hutto replied, "A lot of times it is the cost of homes. Homes in Lexington are less expensive than they are in Orangeburg. We lose customers that way."

Mayor Miller stated, "What you are saying is that it is cheaper to buy a home in Lexington rather than in Orangeburg, what is the specific reason?"

Ms. Hutto replied, "I think they have more people and they can sell more houses. I represent the realtors in Orangeburg and I feel this will hurt the business and I want the realtors in Orangeburg to have a competitive market."

Mayor Pro Tem Haire asked, "Have you checked the margin of profit for the sale of homes in Columbia versus the sale of homes in Orangeburg?"

Ms. Hutto replied, "I have not checked into that, but would be glad to do that."

Mayor Pro Tem Haire asked, "Could it be that the realtors here are charging more?"

Ms. Hutto replied, "Actually, the realtors in Columbia probably have a higher commission, we don't set rates, they are set within our office."

Councilmember Barnwell stated, "This Land Development Ordinance that we are attempting to pass isn't even in existence, so you are telling me that people are moving based on what we have now?"

Ms. Hutto replied, "Exactly, I am concerned if the cost continues to rise, we are going to lose more homes in Orangeburg."

Mayor Pro Haire asked, "You don't think because of what Columbia offers as it relates to what citizens are looking for that just isn't here, that is the reason people are moving there?"

Ms. Hutto replied, "Those are all factors, sometimes they move because of schools and other different factors which are things we all need to work on and things we can offer. We have doctors and plant managers who choose to live elsewhere and drive to Orangeburg. If we can offer competitive housing that would be one draw to the area."

Mayor Miller stated, "I have lived here for a long time and I have always been of the opinion you get more house for your money in Orangeburg than you can in any other large metropolitan area. I am having a little problem understanding why houses are

# 2018

## Page 2

cheaper in Columbia or Lexington. You say it is, that is fine, but I am having trouble understanding that.”

Ms. Hutto replied, “Actually in 1977, I paid more per square foot here than what mine sold for. It was thirteen years old, but we had to pay more here. It is supply and demand.”

Mr. Marion Moore, a local developer and owner of Century 21/Moore Company, addressed Council, “I think you know the City is near and dear to my heart. I want to make it clear that there is nothing personal involved in my questioning of this Ordinance. I was elected to City Council and my mission was to protect and defend DPU. I have defended DPU many times and assisted the City with many projects. My family has lived in the City for three generations and no one is more proud than I on what DPU has done. In all the 36 years, I have been in business; I felt I needed to view my objections to the Ordinance since this is out of line. This was ill-conceived, ill-designed and Lord knows, ill-timed.

The Mayor asked me to supply you with a list of things I felt were wrong with the document as well as cost differential to build in the City versus to build in the County. There is an actual cost you see in your folder, and while each and every one of these objections is valid and each of the \$5,700 is an additional cost to the developer to build a home in the City, is important. That could be more based on whether DPU’s Ordinance is passed if sewer and water were not available and if I thought that were enough to convince Council to reject this Ordinance, I’d stop there. But through research, there is tangible evidence and hard facts of costs and implementation problems and it appears that Council wants to move forward with no further consideration. I would like to see these items answered. What is the urgency? It took County planners nearly two years to form an acceptable Ordinance when they started their deal. It took lots of public input. This Ordinance we have on the table tonight can and will have a long-term effect on our city. Mr. Berry couldn’t be here tonight as you can see in your folder, but I had a conversation with him and the Mayor. He basically told us that if the proposed guidelines are in effect, the new development he has planned on Hillsboro will not be going forward. I was asked time and time again by John and various people, “What is the problem? John and I have had great substantial discussions on this and I applaud his efforts, he has done a great job on this. Where is the problem, what is causing all of this, why are we looking at doing something? And basically, a lot of it goes back to drainage problems, it sounds like that, were developed 20, 30, to 40 years ago in the city that were done before we had the appropriate guidelines to correctly develop property. I feel like with DHEC, SCDOT and everyone else, these types of issues are clearly addressed and I ask Council on top of what is now actually working very well.

The other part is the Ordinance, which is only part of the equation. It’s being passed in conjunction with and driven by, I believe, DPU’s desire to no longer run sewer and water into City property. I know there has been at least one problem with DPU being left out to dry and there’s not a soul in this room that wants anything like that to happen. But I can’t believe Mr. Boatwright and Company can’t come up with a way to solve that problem through bonding or whatever it may be. I know they can do that, I’m comfortable they can handle that. The present policy, which has served our city well for several decades and particularly well in the last ten years with the development guideline, is suddenly no longer viable.

As I mentioned earlier, have you taken into consideration the competitive advantage this will take away from us. Fred’s correct; there are very few cities that will do this now, that will run into your project. But that is a terrific advantage if a client or developer is looking at it and what they are willing to do, that costs is obviously bringing in the development, taxable sales, utilities, etc., so I think giving up that competitive advantage

is going to hurt us long-term into drawing business and attracting new development. Unless I missed something, there are not a lot of people knocking on our door right now to develop anything in Orangeburg and not just Orangeburg. I think we need to do everything we can to keep our rifles loaded so to speak to create new shopping centers and subdivisions, things that will strengthen our tax base and create jobs. Not speaking of annexation, I know that's what members of this Council want to do and I think the news of this Ordinance and the DPU Ordinance, when fully understood by the citizenry, I don't know how that'll be received or if it'll be received very well. Like it or not, DPU is a growth engine for Orangeburg and it appears you have taken away advantages the city can employ, create development and in turn, making it more difficult for any kind of development to occur; bottom line, they are the only game in town and we do what DPU says to do. I've never known DPU to be anything but forthright, never heavy handed in any way, but these new Ordinances are a long way towards big government and utilities instead of growth and development in my opinion. So rather than go through all of this, what I will say to you; I believe there are things in place already, maybe they can be compiled in some other sort of compendium than this huge Development Ordinance. Let's fix this; there are things that can be done. No one wants to stifle DPU. They have been well run for a number of years; the City has been well run for a long time. There is man power on Council and wisdom here instead of putting a cookie cutter approach to this and lying down on top of everybody. There is a lot of good in it. It is not all bad. I think it can be done better. Unless I misunderstand the urgency, I would ask you to table this indefinitely and the DPU Ordinance until these issues can be ironed out and a study done on the economic impact on the citizens of Orangeburg."

Councilmember Barnwell stated, "I think it is a consensus of Council whether or not we pass this tonight and DPU is not going to fund the Development as far as pipes, water, and wastewater. No, other city does that."

Mr. Moore replied, "I understand that, but DPU may be run better than other utilities. It gives DPU the opportunity to promote development instead of being set in stone that it is done."

Mayor Pro Tem Haire asked, "Did you say that DPU is heavy handed?"

Mr. Moore replied, "No, I said DPU has never been heavy handed."

Mayor Miller stated, "You made a statement, I want to challenge as it relates to tap fees, etc. Our water tap and impact fees are \$1,200 and across the state they average from \$1,525.87, so we are 21% below average for water taps throughout the state. On wastewater, the average is \$1,943.37 and DPU is \$1,550.00, which is 20% less than throughout the state. My point is that it is cheaper for a ¾ inch tap for residential property, unless you want a larger tap. In doing a survey across the state, including Florence, Charleston, Beaufort, Columbia, Rock Hill and Anderson the developer pays for the infrastructure within the Development and the City of Orangeburg has been the only city who has been paying that. You asked me what the purpose was, the purpose is to promote the development of land in the pursuit of public health, safety, economy, appearance, convenience and the morals and general welfare of the community. Your associate, who gave me some notes, he felt like a Comprehensive Land Development Ordinance would be beneficial to the City of Orangeburg and he asked to hold off on the vote. Ms. Hutto said people were going to Columbia because they could buy a house up there cheaper, but you are saying the opposite. You are saying if we pass this Land Ordinance and we don't provide the utilities, that this would drive people away."

Mr. Moore replied, "Obviously the costs are going to go up. As a realtor and a developer, I think it is a great thing that we can do. I am not going into the financial



applications, just because every other city does it, doesn't make it right or wrong."

Mayor Miller asked, "I think the question is, is it fair for the ratepayers to pay for the development rather than the developer; rather than all across the state, the developers are paying for it. You are talking about hard economic times and we are feeling the pinch too. It is like everyone else. I think everyone is across the state, where people are trying to minimize the expense."

Mr. Moore replied, "Under the existing guidelines, the City will run sewer and water into your property for the cost of X. This is what the City gets in return for the X. I was using a one inch water tap fee which is \$1,400.00, sewer tap is \$1,550.00, also the site is sold water, gas, wastewater and natural gas. The City then taxes the property at 20 to 30 times the value of the undeveloped lot. Just like my mother's house, which has been there 50-60 years, she has enjoyed the services. It has worked well until now. If that is they way Council wants to do, I understand, but it takes away from my competitiveness. I never would want to hurt the city or DPU financially."

Mayor Miller stated, "You understand the City doesn't assess property, the County does. I own property like you own property and I don't like it anymore than you do and we have to use the figures they give us."

Councilmember Jernigan asked, "On the handout, you have a lot in the City versus a lot in the County, are you saying it would increase your development cost versus developing in the County. That cost would have to be passed on to the person buying the house?"

Mr. Moore replied, "Yes."

Councilmember Barnwell asked, "Why?"

Mr. Moore replied, "Who is going to eat it?"

Councilmember Barnwell stated, "I think one of the big issues is that it is cutting into the developers profits."

Mr. Moore stated, "That may be, but obviously hard costs are passed on, infrastructure costs and I can't speak to what developers make. I sure haven't made enough to eat \$5,000.00 on a lot, I can tell you that."

Councilmember Barnwell stated, "You got the comparison of a lot in the County, the County doesn't have to worry about the infrastructure. There is no cost allocated to the County."

Mayor Miller asked, "I asked you the last time you were here to tell me what it was that you objected to and if there were some things that were objectionable that we could possibly revisit those areas. We are not trying to be the bad guys. We are trying to be beneficial to the developers when they meet the criteria for the development set forth in here. There is no one here in the City that is going to overturn it. We have had instances where it meets certain criteria and G. W. Berry was one of them. In all due respects, I think the Land Development Ordinance can be beneficial to the developers in the long run. I have looked at your list and I just don't know specifically what it is except for the infrastructure costs. In the County, the developer has to pay for that."

Mr. Moore replied, "You can cherry pick the list and John and I have talked about that as late as today."

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Mayor Miller asked, "The catch basins, like storm water, you don't have to have those?"

Mr. Moore replied, "Yes, you do, an engineer did that for me."

Mayor Miller stated, "I am not an engineer or a developer and I don't want to second guess anything."

Mr. Moore stated, "We may stifle the growth and we may not, but it may make it more difficult in a difficult time already."

Mayor Miller stated, "I don't know what the rest of Council's ideas are, but anything we do tonight or whatever is not totally cast in stone and it can be changed. There may be some things in there that a Developer may come back and it may cause some concerns and I think John has some recommendations and there may be others. I appreciate you coming and your concern. I don't think this Ordinance will cause us to be worse off than we are already are."

Hearing no further comments, the Public Hearing was closed.

Council entered into the regularly scheduled City Council Meeting.

**PRESENT:**

**Paul A. Miller**

**Charles B. Barnwell**

**Barnard Haire**

**Charles W. Jernigan**

**Sandra p. Knotts**

**Richard F. Stroman**

**ABSENT:**

**L. Zimmerman Keitt**

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Knotts, to approve the November 17, 2009, City Council Minutes as distributed. This motion was unanimously approved.

City Administrator Yow addressed Council on the Land Development Ordinance. He stated, "I would like to say that I appreciate everyone's interest in this. I have had many conversations with Mayor and Council and other persons in regards to this and all of my conversations have been civil and professional. If City Council elects to go forth with third reading tonight, there are some recommendations I would like to go over with you.

Mr. G. W. Berry pointed out that the drainage diagram on page 27 was a little ambiguous and hard to follow. I would suggest we replace it with this new diagram with the concrete curb and gutter 18 inches in width. The other diagram may have shown extra widths which could cost the developer more and we have also shown that a valley gutter which can be used instead of a concrete curb and gutter. I have checked in other developments and I would recommend that this be changed from the original document.

On page 24, on dead end streets or cul-de-sacs, it refers to them as maximum 700 linear feet; I think we should allow them to be 1000 linear feet. In another section of this Ordinance it states that blocks can be 1000 linear feet. So if blocks can be, let's make dead end streets the same size as one full block. This may or may not come into play depending on the property.

On page 16, the term political lines, that should be jurisdictional lines. This is included in a list of information that the developer has to provide to the City in order to get their plat approved. That should be jurisdictional lines.

There has been some discussion on sidewalks. Sidewalks are required on the main streets in the development, not on all streets. It requires sidewalks to be five feet in length. If Council has no change of heart and wants to leave sidewalks in, I would recommend that the sidewalks be reduced to four feet in width.

There are some typos and some ambiguous parts to reword but not changing the intent or effect. The only other point is that on page 24 we prohibit alleys. There have been some questions raised. We can leave it as it is or we can insert a service alley where both lots back up to each other. I know some of you may be hearing this for the first time. In other words, this does not allow for service alleys and it may be an upcoming trend. If someone was applying for a PDD, under the Zoning Ordinance, not the Land Development Ordinance, they could have an alley in it and have it approved under the PDD.

“City Attorney Walsh replied, “I also think you need to check with Zoning if you take that out to see if the alleys are permitted in residential areas are under the Zoning.”

Councilmember Barnwell asked, “What is the purpose? Why do you need it?”

City Administrator Yow replied, “To have a service alley in the rear of your lot. The trend that is being stated to me is an entrance to your garage from the rear. If the City agreed also, their sanitation carts could be serviced from the rear on the alley on both sides.”

“City Attorney Walsh stated, “The best way to do that is to not permit alleys, but to permit service alleys, if that is what you are trying to do.”

City Administrator Yow stated, “There are a couple of definitions that need to be added such as alleys or service alleys and it also mentions half streets are prohibited and I do not see a definition of half street included. Those are just administrative things that need to be addressed. I am not real strong on the alleys but I have heard from several people that this has been being done in a lot of locations. If you approve and put it in there, it still doesn’t mean that if it doesn’t fit in the overall development that the Planning Commission still has to approve it. It just means it is not strictly prohibited.”

Councilmember Barnwell stated, “Personally, I would be amenable to doing away with sidewalks.”

City Administrator Yow replied, “If you did that, I would say in residential only, not in commercial.”

Councilmember Stroman asked, “I think Mr. Berry was asking for sidewalks to be eliminated, what about vested rights, why can’t we give them another year?”

City Administrator Yow stated, “I think it is now two years and an extension for thirty-six (6) months, that is five years. Now, if it is not a phased development, it is two years and an additional 12 months.”

Councilmember Stroman stated, “That is what I was speaking of, he marked it in the paper I got today, he was wanting an additional 12 months.”

City Administrator Yow stated, “Let’s stay on sidewalks and we can get back to that.”

Mayor Pro Tem Haire asked, “Mr. Barnwell, what were you saying about the sidewalks?”

Councilmember Barnwell replied, “I have no objection to removing the required sidewalks in residential areas not commercial areas.”

Mayor Pro Tem Haire stated, “Once this becomes operational, they will then ask someone to put the sidewalks in.”

Councilmember Barnwell replied, “We have a lot of areas now where there are no sidewalks.”

Mayor Pro Tem Haire stated, “I think that with the sidewalks it would provide later on from preventing someone for asking to put in sidewalks. It serves a purpose. I feel like they need to be in there.”

City Administrator Yow stated, “I hate to put you all at odds, we will have to get something to include in a motion and also to look at vested rights.”

Councilmember Stroman stated, “That is a Phased Development is 36 months total on page three? I would like to help these developers; they may need an additional 12 months.”

City Attorney Walsh stated, “You have to understand vested rights is a state statute so when you are reading this section and you are talking about a Phased Development Plan, you have to go back to state statute and the different periods. The language is verbatim from the section. I don’t know if we would have any authority to increase that.”

City Administrator Yow stated, “I guess we need to know if City Council wants to move forward with this tonight or as someone said, table it. But, if you move forward, I would recommend those changes that I went over with you. If you leave sidewalks in, I would make the recommendations to decrease it to four feet.”

Mayor Miller stated, “The comment I made earlier tonight was that we can always come back and make changes or tweak it, isn’t that correct?”

City Administrator Yow stated, “You do that now with changes to the Comprehensive Plan and the Zoning Ordinance.”

Councilmember Jernigan stated, “Honestly, I don’t feel comfortable passing this Ordinance with this much discussion. I feel we need to put it off a little bit and get these questions ironed out, get these things that John has recommended into it, and then come back for third reading. I am not in favor of passing this Ordinance. Mr. Moore and Ms. Hutto have come up with some problems with this Ordinance and I think we need to look at all of that. There is no need in passing an Ordinance if we are going to have to come back and make changes to it.”

Mayor Pro Tem Haire stated, “I don’t think that we know we are going to have to go back and change. First of all, there have been conversations between Councilmembers and developers and there has been no conversation with certain Councilmembers and developers. It seems as if there is an attempt to delay this. It has been more than ample time to move on this particular document. It seems when there is not an I dotted or a T crossed, then we have to go back and study. I think John and Mr. Boatwright and staff have put ample time to this document and either vote it up or down and stop delaying it. Where are all of those people that are supposed to be so concerned? I haven’t seen them here. I understand Mr. Moore’s position to get this document tabled. We have wasted

too much time already.”

Councilmember Jernigan stated, “I disagree with you, Mr. Haire, I think time is something we need to put to it to get it done right. If it takes time to get it done the right way, I don’t have a problem to take the time to get it done. John has come up with a lot of things to add to this and I don’t know what all of them are.”

Mayor Pro Tem Haire asked, “We can’t incorporate them into the document tonight?”

City Administrator Yow stated, “Some of these changes were based on questions we have had since the other week. There are things I could have changed for you tomorrow or definitely by next Council meeting. The drainage diagram I have already given you, changing the words, changing sidewalk width from five feet to four feet or taking out the sidewalks altogether. You have to decide what you want to change.”

Councilmember Jernigan asked, “You could have a complete document to us by next meeting to pass a completed document?”

City Administrator Yow stated, “Yes.”

Councilmember Jernigan made a motion to table this Ordinance until the next Council meeting until the changes can be implemented from the City Administrator into the document and also extend any moratoriums. There was no second, motion died.

Mayor Pro Tem Haire made a motion to adopt the plan with the changes made by the City Administrator.

City Administrator Yow stated, “Changes were to insert a new drainage diagram and allow valley gutters, allow dead end streets to be 1,000 linear feet instead of 700 feet, the wording political on page 16 to be changed to jurisdictional lines and reducing sidewalk width to 4 feet and other typographical areas. I did not address alleys, so alleys would be left as they are in now.”

Councilmember Knotts made a second to Mayor Pro Tem’s motion to adopt the plan with the changes made by the City Administrator

Councilmember Barnwell stated, “I don’t think we can add something, we don’t know the answer to it and we cannot legally extend the time.”

Mayor Miller stated, “If state law says one thing, then we don’t have the authority to change it. If Jimmy finds out we have the ability to change it then we can come back and address Mr. Stroman’s concern. That is why I said we may need to tweak some things.”

City Administrator Yow stated, “Those things are up to Council’s discretion.”

Councilmember Barnwell asked, “What is the rush to pass this thing? Make it right or don’t do it.”

The Mayor read the Ordinance and called for the vote, this was a 4-2 vote with Councilmembers Jernigan and Barnwell opposing.

Mr. Don Tribble, Executive Director of the Community of Character, accepted the Character Trait Proclamation, “Gratitude”.

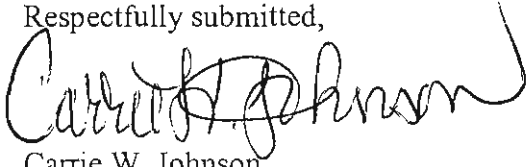
A motion as made by Mayor Pro Tem Haire, seconded by Councilmember Knotts, to approve the Third Reading of an Ordinance amending the General Terms and Conditions

of the Department of Public Utilities to adopt and implement a Land Development Regulation of the City. This motion was unanimously approved.

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

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson  
City Clerk

/pfb

