

City Council Minutes

January 4, 2011

Orangeburg City Council held a Public Hearing on Tuesday, January 4, 2011, at 7:00 P.M., in the Council Chambers Building with Mayor Miller presiding. The purpose of the Public Hearing was consideration of a petition for annexation of property through the seventy-five percent petition method and associated zoning request for the area into B-1 General Business District. Assistant City Administrator Singh gave Council and the public a brief overview of the annexation area.

The Public Hearing was opened for comments.

Hearing no comments, the Public Hearing was closed.

Council entered into the regularly scheduled City Council Meeting.

PRESENT:

Paul A. Miller, Mayor

Charles B. Barnwell, Jr.

Bernard Haire

Charles W. Jernigan

L. Zimmerman Keitt

Sandra P. Knotts

Richard F. Stroman

A motion was made by Councilmember Keitt, seconded by Councilmember Barnwell, to approve the December 7, 2010, City Council Minutes as distributed. This motion was unanimously approved.

A motion was made by Councilmember Jernigan, seconded by Councilmember Stroman, to approve the December 14, 2010, Special City Council Minutes as distributed. This motion was unanimously approved.

Mr. Don Tribble, Community of Character Director, accepted the Character Trait Proclamation for January 2011, "Kindness".

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to approve the First Reading of an Ordinance to annex the within described property under the 75% petition method into the City of Orangeburg, SC. This motion was unanimously approved. The Planning Commission had unanimously approved a Resolution recommending the annexation to City Council..

A motion was made by Councilmember Knotts, seconded by Councilmember Stroman, to approve the First Reading of an Ordinance to amend the Municipal District Map dated November 6, 2001, for the purpose of adding newly annexed City property to Municipal Council District 6. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the Accommodations Tax Advisory Committee recommendations. The recommendations were as follows:

- | | |
|---|------------|
| 1) Orangeburg County Chamber of Commerce | \$4,000.00 |
| 2) Orangeburg County Fine Arts Center | \$1,800.00 |
| 3) Orangeburg City Accommodations Tax Committee | \$350.00 |
| 4) Orangeburg Revitalization Association | \$1,000.00 |

This motion was unanimously approved.

There were no utility matters brought before Council.

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

There being no further business, the meeting was adjourned.

Respectfully submitted,

Carrie W. Johnson
Carrie W. Johnson
City Clerk

/pfb





RESOLUTION

A RESOLUTION AUTHORIZING THE INTERIM 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 & GAS COMPANY, INC. FOR THE PURPOSE OF FURNISHING ELECTRIC CAPACITY AND ENERGY

Whereas, the Department of Public Utilities of the City of Orangeburg and South Carolina Electric & Gas Company, Inc. after extensive negotiations have agreed upon an electric capacity and energy agreement, and

Whereas, the City of Orangeburg has determined that the agreed upon agreement between said parties is in the best interests of the City and the customers of its Department of Public Utilities;

NOW, THEREFORE, BE IT RESOLVED, by City Council of the City of Orangeburg, in Council assembled, and by authority of the same, that the Department of Public Utilities of the City of Orangeburg accept and enter into an agreement for furnishing electric capacity and energy with South Carolina Electric & Gas Company, Inc. effective January 1, 2012 and ending December 31, 2022; and

BE IT FURTHER RESOLVED, that O. Thomas Miller, Jr., Interim 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 18th day of January 2011.



Paul G. Miller

MAYOR

L. J. Harrison

Paul D. Dyer

Richard J. Starnes

Charles B. Brantley

Dorinda L. Harris

Sam Harris

MEMBERS OF COUNCIL

ATTEST:

Carrie H. Johnson

CITY CLERK



RESOLUTION

WHEREAS, cities and towns in South Carolina are the government closest to the people providing the core services residents and businesses demand for a high quality of life;

WHEREAS, residents and businesses want their local city and town councils to have the flexibility to make decisions that are best for their communities while also being held accountable by their residents to spend wisely and govern locally;

WHEREAS, the flexibility for cities and towns to use their scarce dollars in challenging economic times can come from targeted changes in state law;

WHEREAS, on December 14, 2010, the Municipal Association board of directors approved the 2011-2012 legislative agenda that supports local elected leaders making decisions based on local needs and priorities;

WHEREAS, the legislative agenda is based around three legislative principles of promoting economic growth, enhancing a positive quality of life, and encouraging local accountability and fiscal responsibility that support the core functions of government that cities and towns provide;

WHEREAS, enclave annexation, municipal capital project sales tax, millage cap flexibility and codes enforcement are the four major legislative issues that local elected leaders determined can have the greatest impact on their hometowns;

WHEREAS, the agenda also focuses on fiscal, economic development, infrastructure and public safety issues that are important to cities and towns of all sizes and in all parts of the state;

WHEREAS, the City of Orangeburg fully supports the Agenda set forth by the Municipal Association of South Carolina Board of Directors for cities and towns to govern locally for residents.

NOW, BE IT THEREFORE, RESOLVED that Orangeburg City Council affirms on this day, **January 18, 2011**, its support for the Municipal Association's 2011-2012 Legislative Agenda to direct more local decision making to the local elected officials that govern the state's 270 cities and towns.



James G. Meier

Mayor
James Hair

Jandia P. Kuttles

L. Zimmerman Keitt

John E. & Thomas

Charles B. Brantley

Chad Dargatzis

Members of Council

ATTEST:
Carrie N. Johnson

City Clerk

City Council Minutes
January 18, 2011

2101

Orangeburg City Council held its regularly scheduled meeting on Tuesday, January 18, 2011, at 7:00 P.M., in the Council Chambers Building with Mayor Miller presiding.

PRESENT:

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

A motion was made by Councilmember Keitt, seconded by Mayor Pro Tem Haire, to approve the January 4, 2011, City Council Minutes as distributed. This motion was unanimously approved.

Mayor Miller presented to Fred Boatwright a Retiree Resolution for his thirty-nine years, two months and ten days of service to the Department of Public Utilities. He was also presented a gold watch.

Mayor Miller, DPU Division Heads, City Administrator Yow, City Attorney Walsh, City Council, former DPU Manager Johnson and former Councilmember Salley spoke on Mr. Boatwright's contributions. A portrait of Mr. Boatwright was unveiled and will hang at the Department of Public Utilities.

Mr. Norman McAlhaney addressed Council in regards to obtaining a water tap on his property at 159 Crossover Road. He stated, "I have a twenty-two (22) acre tract and have signed the covenant. My father owns the back portion of this parcel, sixty (60) acres, and my father won't sign the covenant. This tract has been owned by members of my family since 1952. I am trying to obtain this water tap for my property.

Councilmember Stroman asked, "Where is this property?"

Mr. McAlhaney responded, "It is off Bill Salley Road near Highway 70."

Councilmember Stroman asked, "What are your plans with this, do you plan to subdivide?"

Mr. McAlhaney responded, "I have two rental properties on this tract, one is serviced with a well and the other is serviced with a city water tap. The one with the old well is giving me trouble and I am trying to upgrade."

Councilmember Stroman asked, "There is a water line now in front of this property?"

Mr. McAlhaney responded, "Yes, there is one, in fact, my father and I installed the water line for DPU six or more years ago. DPU furnished the material and we installed it."

Mayor Miller asked City Attorney Walsh, "As it relates to this property, doesn't it refer to this in the Terms and Conditions?"

City Attorney Walsh responded, "Yes, that is exactly what it is. The Department complied with the Terms and Conditions adopted by City Council."

Mayor Miller asked, "So what he wants us to do is change our Terms and Conditions to allow that property to obtain a water tap if his father doesn't sign the covenant?"

City Attorney Walsh asked, "Wasn't the twenty-two (22) acres originally in your father's name?"

Mr. McAlhany replied, "Originally it was, it was in my name first, then his, now back to mine."

City Attorney Walsh stated, "In the General Terms and Conditions, in an unincorporated area, for an individual to get a water tap, not only does he have to sign, but also, any entity that they have an ownership interest in an adjoining property or family members in adjoining property. It doesn't apply to Mr. McAlhany's case, but the purpose of that was to prevent individuals from trying to get around the requirement of a covenant by transferring property to a member of a family or another corporation or LLC; therefore, preventing a covenant on a larger tract of land."

Councilmember Barnwell asked, "Why doesn't your father want to sign the covenant?"

Mr. McAlhany replied, "He is from the old school and he isn't going to sign. He says his property doesn't have anything to do with mine."

Mayor Miller stated, "You and I had a conversation a few months ago and the information I received was the information Attorney Walsh stated that DPU cannot do the water tap without his signature. I think I told you then it would be a long, long time before we ever would even think about going that far to do any kind of annexation to your property. We may never. It may not happen in your lifetime or your children's lifetime. It took two years for us to get property annexed, right next door to the City. I don't think we can change the Terms and Conditions for that reason."

Mr. McAlhany stated, "I am not trying to get around anything, it is one tract. I signed the covenant on one tract. I cannot get water and I am asking Council to look at it so I can get water. The only way I can get it, is to work with me."

Mayor Miller stated, "I think the simple thing would be for your father to sign the covenant. As I told you then, it will be a long time before we even get out there. I would like to say we could annex a lot of property, but it takes time. I can't speak for the rest of Council, there are six other people here and I don't think we can change the terms and conditions just for this."

Councilmember Stroman asked, "How many taps are you trying to get?"

Mayor Miller answered, "One."

Councilmember Barnwell stated "One of the problems I feel it represents is that this would establish a precedent and other people would come in wanting the same thing. I can't see changing the rules now."

Councilmember Jernigan made a motion to review the Terms and Conditions and not make a decision tonight, review the facts and bring it back to the next Council meeting for a decision. This motion was seconded by Councilmember Stroman. This was 6-1 vote as Mayor Pro Tem Haire opposed.

A motion was made by Councilmember Knotts, seconded by Mayor Pro Tem Haire, to approve the Second Reading of an Ordinance to annex the within described property under the 75% petition method into the City of Orangeburg, SC. This motion was unanimously approved.

A motion was made by Councilmember Keitt, 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 to Municipal Council District 6. This motion was unanimously approved.

A motion as made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve a Resolution adopting the Municipal Association of South Carolina's Legislative Agenda for 2011-12. This motion was unanimously approved.

There were no utility matters brought before Council.

A motion as made by councilmember Barnwell, seconded by Councilmember Keitt, to enter into an Executive Session for a Legal and Contractual Matter concerning the DPU Utility Contract. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Keitt, to return to Open Session.

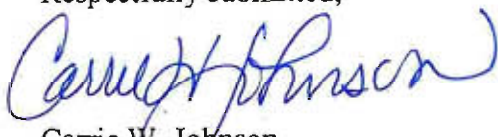
Council returned to Open Session.

A motion was made by Councilmember Barnwell, seconded by Councilmember Keitt, to approve a Resolution authorizing Interim Manger of DPU to execute an Agreement between DPU and SC Electric and Gas Company. 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 MINUTES
SPECIAL SESSION – JANUARY 19, 2011

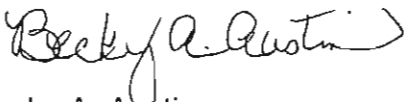
Orangeburg City Council held a Special Session Meeting on Wednesday, January 19, 2011 AT 5:00 P.M. in the Council Chambers Building, 933 Middleton Street, Orangeburg, South Carolina with Mayor Paul A. Miller presiding. 2105

PRESENT: Paul A. Miller, Mayor
Bernard Haire, Mayor Pro Tem
Charles B. Barnwell
Charles W. Jernigan
L. Zimmerman Keitt
Sandra P. Knotts
Richard F. Stroman

Mayor Miller opened the meeting by stating the first order of business was to go into Executive Session for the purpose of interviewing candidates for the position of Manager of the Department of Public Utilities, City of Orangeburg, State of South Carolina. The Mayor asked for a motion. A motion was made by Councilmember Jernigan, seconded by Councilmember Barnwell to go into Executive Session. This motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted.



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



CITY COUNCIL MINUTES
SPECIAL SESSION – JANUARY 20, 2011

2106 Orangeburg City Council held a Special Session Meeting on Thursday, January 20, 2011 AT 5:00 P.M. in the Council Chambers Building, 933 Middleton Street, Orangeburg, South Carolina with Mayor Paul A. Miller presiding.

PRESENT: Paul A. Miller, Mayor
Bernard Haire, Mayor Pro Tem
Charles B. Barnwell
Charles W. Jernigan
L. Zimmerman Keitt
Sandra P. Knotts
Richard F. Stroman

Mayor Miller opened the meeting by stating the first order of business was to go into Executive Session for the purpose of interviewing candidates for the position of Manager of the Department of Public Utilities, City of Orangeburg, State of South Carolina. The Mayor asked for a motion. A motion was made by Councilmember Keitt, seconded by Councilmember Barnwell to go into Executive Session. This motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted.

Becky A. Austin

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



City Council Minutes

February 1, 2011

2107

Orangeburg City Council held its regularly scheduled meeting on Tuesday, February 1, 2011, at 7:00 P.M., in the Council Chambers Building with Mayor Miller presiding.

PRESENT

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

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the January 18, 2011, City Council Minutes as distributed. Councilmember Knotts was not present at the time of the vote.

A motion was made by Councilmember Keitt, seconded by Mayor Pro Tem Haire, to approve the January 19, 2011, Special City Council Minutes as distributed. Councilmember Knotts was not present at the time of the vote.

A motion was made by Councilmember Stroman, seconded by Mayor Pro Tem Haire, to approve the January 20, 2011, Special City Council Minutes as distributed. Councilmember Knotts was not present at the time of the vote.

Mr. William S. Kemp, Attorney for Mr. Norman E. McAlhaney, addressed Council concerning a water tap covenant. He stated, "I am here on behalf of Mr. McAlhaney who is trying to obtain a water tap for his property on Crossover Road; I understand he was here last month. I think you understand he has an annexation problem. He signed the annexation petition. He was denied the watertap because there is a provision in the General Terms and Conditions that if you have an immediate family member that adjoins your property and the property is contiguous, that person also has to sign off on the annexation. At least that is the way I understand it. Now, Mr. McAlhaney owns a twenty acre parcel that he does not live on, but he has rental income from it. His father owns a sixty acre tract surrounding him. His father has no interest and does not plan to sign the annexation petition. That obviously puts Mr. McAlhaney in an uncomfortable situation.

The way the General Terms and Conditions are written, they create two classes of people. If you happen to be lucky enough to own a piece of property and have a water line available and have no immediate family members surrounding you, you sign and get the water tap. If you have the unfortunate situation where you have immediate family members near you, even heirs property, and you have the situation where those persons may not be in favor of annexation, then you have in fact denied this person a right to get a water tap because those immediate family members would not sign the petition. To me, it is a very unfair situation, where someone wants to be a part of the progress, wants to be a part of the City and pay his fair share.

Another point, about 10-12 years ago, when they were putting in a waterline on Bill Salley Road for the new school, his father approached someone from DPU and asked about running a waterline down Crossover Road. DPU said if you provide the labor, we will provide the materials and the waterline can be run down the road. They did that and Mr. McAlhaney already has one watertap on his property for a rental unit he owns. It may be a situation that he has a contract from years ago that the City agreed to give him a water tap when he requested it. He and his father actually provided the labor to have the waterline run about ¼ mile which may be a contractual problem. I would just like to ask the City, just out of fairness and an unfortunate situation, to reconsider their General Terms and Conditions of annexation or installing a water tap in his situation. Simply,

because it could be any other person that has a family member, who for whatever reason, will not sign the annexation petition. This brings about two classes of people which may or may not solve the City's problems, I don't know. Mr. McAlhaney wants the benefits of being in the City, he is moving income due to a second water tap which is him paying water fees, he has already signed the petition and he is ready, he wants you to reconsider this and please grant him the water tap."

Mayor Miller stated, "As far as the Agreement, as it relates to the waterline, which was in 1997 when Mr. McAlhaney installed the water line on Crossover Road, the material cost was \$4,396.98 and he was given an allowance for the installation of \$3,920.46 and he paid the difference of \$476.52. In consideration of that, he relinquished all of his rights and the water line became property of DPU. What you are asking is for us to change our General Terms and Conditions to accommodate Mr. McAlhaney's request. As I told him, it would be a long time, may not be in my lifetime or my grandchild's lifetime, before we would ever extend the city limits out to Crossover Road. It has taken us a long time to get across the Edisto River adjacent to the city limits. It is a very difficult and long process and I am sure you are familiar with the annexation laws in South Carolina. We have our reasons for those General Terms and Conditions so that we don't get people circumventing the system. As I told him months ago and the last time he was here, the easiest thing for him to do is to get his father to sign the covenant and he can get his water as soon as reasonably possible and that I personally was not in favor of changing the General Terms and Conditions."

Mr. Kemp stated, "There are more people that may run into this same problem that whenever you need a water tap that you have to get everyone in your family to sign."

Mayor Miller replied, "Only if they have contiguous property. Attorney Walsh can explain it if we need to."

Mr. Kemp stated, "You are denying him a water tap based on that his father won't sign a covenant."

Mayor Miller replied, "The covenant says that if and when we become contiguous to that property, we may annex. We have covenants in Four Holes. Chances of us getting to Four Holes, it is not going to happen. I can't get to Wal-Mart. If I can't get ½ mile from the City, how do you expect me to get 5 or 6 miles from the City? I think what we have is you are asking for us to change the General Terms & Conditions and it isn't dependent upon him coming in the City or not, he is just agreeing when we do become contiguous that we will ask him to come into the City. That is our position with the General Terms and Conditions."

Mr. Kemp replied, "The situation is he cannot get a water tap unless his father sells his property or changes his mind."

Mayor Miller replied, "I think that is the long and short of it unless this Council wants to change the General Terms and Conditions."

Mr. Kemp asked, "I respectfully request that from you."

Councilmember Barnwell asked, "Bill, I think you are Counsel for Pubic Works in Bamberg? If we do this, we are just opening up a can of worms and the next person with a similar situation will want to be treated the same way."

Mr. Kemp replied, "I understand that; however, this is a narrow situation where we have immediate family members on contiguous property. If there was a gap in between this property, there wouldn't be a problem. Those fortunate enough to have property next to someone else may not have a problem. Those with family members with contiguous property may have a problem."

Councilmember Barnwell asked, "Why won't he sign, he doesn't want to be annexed?"

Mr. Kemp replied, "I haven't talked to him, I would assume so. I would respectfully request that you reconsider this."

Councilmember Jernigan stated, "Since I put it on hold last time, I have had time to look at it. I can't see any reason to change our General Terms & Conditions. Mr. Jernigan made a motion to not change the General Terms and Conditions of DPU or grant a wavier. This motion was seconded by Mayor Pro Tem Haire and 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 under the 75% petition method into the City of Orangeburg, South Carolina.

A motion as made by Councilmember Knotts, seconded by Mayor Pro Tem Haire, 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 6. This motion was unanimously approved.

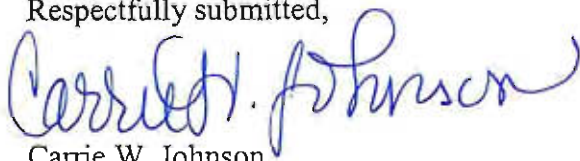
Mr. Don Tribble, Executive Director of Community of Character, accepted the February 2011, Character Trait Proclamation, "Self-Respect".

There were no utility matters brought before Council.

A motion as made by Councilmember Barnwell, seconded by Councilmember Keitt, to enter into an Executive Session for a legal and contractual matter concerning donation of real property and a personnel matter concerning DPU Manager.

There being no further business, the meeting was adjourned.

Respectfully submitted,


Carrie W. Johnson
City Clerk

/pfb



A RESOLUTION TO ACCEPT A DONATION OF PROPERTY TO THE CITY OF ORANGEBURG FROM THE DOWNTOWN ORANGEBURG REVITALIZATION ASSOCIATION SHOWN AS PARCELS 1,2,3 AND 4 ON A PLAT OF SURVEY PREPARED FOR SAID ASSOCIATION BY DONALD J. SMITH, JR., INC., DATED SEPTEMBER 13, 2010, DECEMBER 17, 2010, JANUARY 18, 2011 AND FEBRUARY 9, 2011

WHEREAS, the DOWNTOWN ORANGEBURG REVITALIZATION ASSOCIATION (hereinafter referred to as "DORA") has offered to unconditionally donate the below described property to the City of Orangeburg; and,

WHEREAS, the City finds that it is in its best interest and that of its citizens to accept said gift.

NOW, THEREFORE, BE IT RESOLVED BY CITY COUNCIL DULY ASSEMBLED this 15th day of February, 2011, that the City of Orangeburg does hereby accept the offer and donation of the below described property from DORA without any condition, restriction, reservation or commitment and authorizes the City Administrator to execute any and all necessary related documents.

Description of property:

All those certain pieces, parcels or tracts of land, together with all and improvements thereon, situate, lying and being in the City of Orangeburg, County of Orangeburg, State of South Carolina, and set forth and shown as Parcels 1,2,3, and 4 on a Plat of Survey prepared for DORA by Donald J. Smith, Jr., Inc., containing 0.29 acre, .33 acre, 0.18 acre and .04 acre, respectively; said plat being dated September 13, 2010, December 17, 2010, January 18, 2011 and February 9, 2011.

AND IT IS SO RESOLVED.



Carrie N. Johnson
Attest

Paul M. Min

Mayor

James H. Hane

Donald P. Kuster

Charles S. Bannister

L. Zimmerman

Chad J. Jorgensen

Richard R. Stern

Members of Council



RESOLUTION

A RESOLUTION FOR THE CITY OF ORANGEBURG, DEPARTMENT OF PUBLIC UTILITIES TO ACCEPT THE LOW RESPONSIBLE BID BY MCCLAM & ASSOCIATES, INC. OF LITTLE MOUNTAIN, SOUTH CAROLINA IN THE AMOUNT OF \$1,197,422.20 FOR IMPROVEMENTS TO THE WASTEWATER COLLECTION SYSTEM – WHITFORD STAGE CREEK PUMP STATION UPGRADE AND 16-INCH FORCE MAIN

WHEREAS, the Department of Public Utilities of the City of Orangeburg, South Carolina, received bids on December 15, 2010 for improvements to the Wastewater Collection System – Whitford Stage Creek Pump Station Upgrade and 16-Inch Force Main; and

WHEREAS, the low responsible bid for this work was submitted by McClam & Associates, Inc. of Little Mountain, South Carolina in the amount of \$1,197,422.20; and

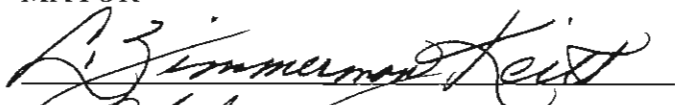
NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Members of Council of the City of Orangeburg, in Council assembled, and by authority of the same, that the low responsible bid shown above be accepted; and


BE IT FURTHER RESOLVED, that O. Thomas Miller, Jr., Interim Manager of the Department of Public Utilities, be authorized and he is hereby directed to execute the contract documents on behalf of the Department of Public Utilities of the City of Orangeburg.

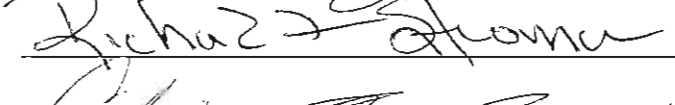
RESOLVED BY City Council duly assembled this 15th day of February, 2011.

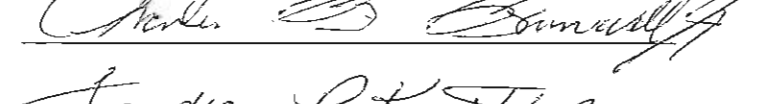


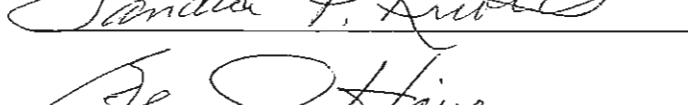

MAYOR

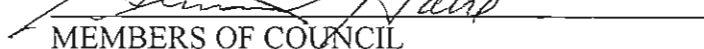


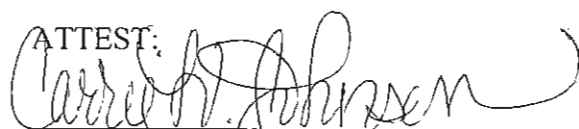









MEMBERS OF COUNCIL

ATTEST:

CITY CLERK

2110

City Council Minutes February 15, 2011

Orangeburg City Council held its regularly schedule meeting on Tuesday, February 15, 2011, at 7:00 P.M., in the Council Chambers Building with Mayor Miller presiding.

PRESENT:

Paul A. Miller, Mayor
Charles B. Barnwell, Jr.
Bernard Haire
Charles W. Jernigan
L. Zimmerman Keitt
Sandra p. Knotts
Richard F. Stroman

A motion was made by Councilmember Barnwell, seconded by Councilmember Keitt, to approve the February 1, 2011, City Council Minutes as distributed. This motion was unanimously approved.

Mrs. Anne Ross and Mr. Johnny Creech with J.W. Hunt & Company, LLP, presented the Fiscal Year 2009-2010 audit to Mayor & Council. Mrs. Ross outlined various sections of the Audit with Council including financial statements, fund statements, notes to the financials. She highlighted the changes the City made to its health insurance for post employment benefits which greatly reduced the OPEB liability from \$2,095,363 to \$682,446. The City ended FY 2009-10 with a positive cash flow adding \$273,000 to its fund balance. She also went over the operating losses from Airport of approximately \$30,000 loss and with Hillcrest and Pro Shop combined there was an operating loss of approximately \$51,000.00 She stated that the revenues were down and would hope this would turn around once the economy improves. Overall, a clean unqualified audit opinion was given..

Mr. Johnny Creech overviewed DPU's information including statement of net assets, their liabilities and revenues and expenses. Mrs. Ross also stated that next year may look a little differently due to changes in GASB 54 requirements. DPU had a change in their net assets of \$8,564,410.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the Fiscal Year 2009-2010 Audit. This motion was unanimously approved.

A motion as made by Councilmember Keitt, seconded by Mayor Pro Tem Haire, to approve a Resolution accepting real property to be conveyed to the City of Orangeburg by DORA and authorizing the City Administrator to execute all necessary related documents. This motion was unanimously approved.

City Administrator Yow thanked Ms. Bernice Tribble and Mr. Ladson Beach for their help in this endeavor.

DPU Interim Manager, Tommy Miller, addressed Council on the bid for the improvements to the wastewater system at Whitford Stage Creek pump station upgrade and 16 inch force main from McClam and Associates of Little Mountain, South Carolina.

Mayor Pro Tem Haire asked, "Have we used this company before?"

Mr. Miller replied, "Yes, we have and they have met all the engineering requirements and we anticipate this being done in a timely manner."

Councilmember Jernigan asked, "When do you anticipate this coming online?"

Mr. Miller replied, "I am not exactly sure. We anticipate it being done this summer, probably 120 to 180 days. This is a huge station; it takes in wastewater from the Old Belleville Road, behind the hospital and from the hospital as well."

Mayor Pro Tem Haire asked, "Since you said from the Hospital, does it include the new commercial establishments in that area?"

Mr. Miller replied, "Some will flow back to the pump station behind Mayer Industries, Inc., and then flow to here, but it will eventually come here. With all the expansion out there, the demand will increase on this system."

A motion as made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve a Resolution for the Department of Public Utilities to accept the low responsible bid by McClam and Associates, Inc., of Little Mountain, SC, in the amount of \$1,197,422.20 for improvements to the wastewater collection system—Whitford Stage Creek pump station upgrade and 16-inch force main. This motion was unanimously approved.

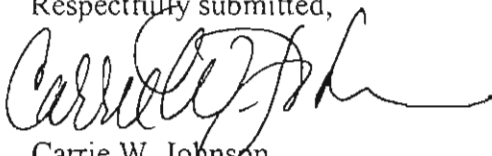
A motion as made by Councilmember Stroman, seconded by Councilmember Barnwell, to enter into an Executive Session for a personnel matter concerning the Department of Public Safety/ City Grievance Committee Findings and a personnel matter concerning the Department of Public Utilities Manager. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to return to Open Session.

A motion made by Councilmember Keitt, seconded by Mayor Pro Tem Haire, to approve and affirm the findings (termination of DPS employee) approved by the City Grievance Committee. This motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,


Carrie W. Johnson
City Clerk

/pfb



City Council Minutes March 1, 2011

Orangeburg City Council held its regularly scheduled meeting on Tuesday, March 1, 2011, at 7:00 P.M., in the Council Chambers Building with Mayor Miller presiding.

PRESENT:

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

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to approve the February 15, 2011, City Council Minutes as distributed. This motion was unanimously approved.

Chief Wendell Davis gave a report to Council on Crime Data Statistics from 2007 through 2010. He stated, "We are seeing a decrease in overall crime. There was a 14.6% decrease in Part I crimes between 2009 and 2010." This report was given to Council as information.

Mr. Don Tribble, Executive Director for Community of Character, accepted the March 2011 Character Trait Proclamation, "Compassion".

City Administrator Yow addressed Council in regards to the 2011-2012 Budget Calendar. He asked that Mayor and Council review this calendar with their personal calendars and if there are any conflicts to get back with him. He also stated if Council wishes to have the full day planning retreat on another weekday or break it up into two nights to please let him know. City Administrator also pointed out that the regularly scheduled Council meeting of July 5, 2011, and July 19, 2011, would be cancelled with adoption of proposed FY 2011-12 Budget Calendar but a meeting could be held on July 12, 2011, if needed. This was given as information only.

Mr. Buster Smith, Director of Parks and Recreation addressed Council in regards to the Veteran's Memorial Park enhancements. He stated, "The project would include the installation of the foundation supporting six granite naming panels. Three panels will be placed on each side of the existing panels in the park. The panels will list individuals from Orangeburg County who made the supreme sacrifice while defending our Country in various wars. We received assistance from Mr. Victor Fenton, Orangeburg County Historical Society, Veterans Affairs and Orangeburg County as to the names. We are going to publish the names in the paper and make every effort to make sure no one is left off and to make sure their names are spelled correctly."

Mayor Miller stated, "I hope we don't leave someone off the list."

City Administrator Yow stated, "We will put this list on our website as well and have the list available at City Hall for anyone to review."

Councilmember Barnwell asked, "What provisions is there if there is a name left off?"

Mr. Smith replied, "There is space for the two on-going conflicts and there may be some space at the end."

Mayor Pro Tem Haire asked, "Has the Armed Services been any help since I am sure they have better recordkeeping?"

Mr. Smith replied, "They have been helpful only for the Afghanistan and Iraq wars and Mr. Eddie Fludd states he hasn't gotten much response from the state office."

Council thanked Mr. Smith for the update report on the Veterans Memorial Park.

There were no utility matters brought before Council.

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to enter into an Executive Session for three legal and contractual matters, (1) SCE&G Power Supply Agreement, (2) Department of Public Utilities General Terms and Conditions, and (3) Annexation Covenants.

A motion was made by Councilmember Barnwell, seconded by Councilmember Keitt, to return to Open Session.

Council returned to Open Session.

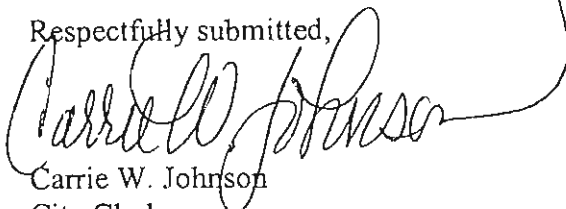
A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve a Resolution authorizing the Interim Manager of DPU to execute an amendment to the Agreement, dated January 19, 2011, between DPU and SCE&G Company for electric capacity and energy. This motion was unanimously approved.

A motion was made by Councilmember Keitt, seconded by Councilmember Barnwell, to approve the First Reading of an Ordinance amending the General Terms and Conditions of DPU as adopted by Council on November 6, 2002. (The amendment relates to billing errors and payments.) This motion was unanimously approved.

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

There being no further business, the meeting was adjourned.

Respectfully submitted,


Carrie W. Johnson
City Clerk

/pfb



CITY COUNCIL MINUTES
March 15, 2011

Orangeburg City Council held its regularly scheduled meeting on Tuesday, March 15, 2011, at 7:00 P.M., in the Council Chambers Building with Mayor Miller presiding.

PRESENT:

Paul A. Miller, Mayor
Charles B. Barnwell, Jr.
Bernard Haire
Charles W. Jernigan
L. Zimmerman Keitt
Sandra p. Knotts
Richard F. Stroman

A motion was made by Councilmember Keitt, seconded by Mayor Pro Tem Haire, to approve the March 1, 2011, City Council Minutes as distributed. This motion was unanimously approved.

Mr. Buster Smith, Parks & Recreation Director, along with Mayor Miller, presented Mr. Isaac "Ike" Haigler a Resolution and gold watch for his twenty-six years, nineteen days of service to the City.

Ms. Lorraine Shuler of 720 Norway Road addressed Council. She stated, "I am here today because I believe that to every problem, there is a solution. I have a problem, but don't have a solution. My problem is that I have an issue with my utility bill. For the last two months, my utility bill has been over \$600.00. I don't have a problem with anything and I have done nothing different. I am trying to find out if there is a solution to this problem and this utility bill. I am sure you have heard complaints before on utility bills, I don't know about their situations, only mine. I have two bills here that are more than my mortgage. Can you tell me anything that would cause my bills to go up?"

Mayor Miller replied, "Do you have gas or electric? What was your utility bill in the past, last winter?"

Ms. Shuler replied, "I have all electric and last year this same time, it went up."

Mayor Miller asked, "When it is not winter, what does the bill go to?"

Ms. Shuler replied, "It goes down to about one-half. It is just these couple of months that it goes up. I raised four children in this home and now no one is there and it never was this high. One time, my utility bill was over \$200 and DPU sent me a letter and wanted to know why it was so high. Now it is \$600. During that time, water was causing it to go up to \$200."

Mayor Miller asked to see her bills to see how the charges were.

Ms. Shuler also brought her son's bill that was only \$200 on Travers Street.

Mayor Miller asked about the location of Travers Street stating this was two different locations.

Councilmember Keitt asked, "Are you home during the day?"

Ms. Shuler replied, "No."

Councilmember Keitt asked, "Have you asked DPU to check into this?"

Ms. Shuler stated, "A young man came to the house last week and asked about my thermostat. But, I have done nothing different."

Mayor Pro Tem Haire asked, "What response have you gotten from the Department?"

Ms. Shuler replied, "Someone there told me that I should turn my thermostat on 68. Another young man there told me that there was nothing I was doing to cause my light bill to go up and that my light bill was going to double the next couple of months as there was something being installed on everyone's meter to make their bills double for a few months."

Mayor Miller replied, "I don't believe that, who said that?"

Ms. Shuler stated, "His answer was just as good as turning the thermostat down because I am doing nothing different. I have been in that house fifteen years and this is the first time this has happened. I have a cousin that lives across the street who hasn't been home for two months and his bill was \$400."

Mayor Miller asked, "Have you talked to DPU about coming to your home and doing an energy survey on your home to see where you are losing heat?"

Ms. Shuler replied, "A young man came out last week and checked the home for that. If there is a problem, it is the same problem I had years ago. It is not like I had windows broken. Nothing has changed except I went from six people in the home to two people. I just think it is ridiculous."

DPU Interim Director Miller stated, "First, I would like to say that I am sorry you are having high utility bills. I would like to have the opportunity for DPU to come out and do an energy audit of your home. You can come by the office and we will send someone out to your house to do an audit and let's discuss the particulars of your account. We would love to have the opportunity to do that."

Councilmember Barnwell stated, "I have experienced the same thing. This past January, I had the highest utility bill I ever had. I think it is the cold weather we have had. As far as I know, we have had no utility increase."

Mayor Miller stated, "I had one house that the thermostat was on 58 degrees and the bill was over \$350 and no one was in the house."

DPU Interim Director Miller stated, "We have experienced tremendously high usage in December and January due to the cold weather. You should see it coming down."

Ms. Shuler replied, "I received my last bill and it was over \$400."

Mayor Miller stated, "I think the best thing is to let them do an audit for you. Last January, you had 4300 kwh and this year, you had 5400 kwh. In these months, I can see where it trends upward when it gets cold."

Ms. Shuler replied, "Maybe someone who is checking the meter is not writing the numbers down correctly. Like I said, if I had a problem with the home, my light bill should be the same."

Mayor Miller stated, "Let them check your home and your meter to make sure it is working properly. Get with Mr. Miller and let them try to work something out for you."

Mayor Pro Tem Haire asked, "From the time the meter is read and the time the individual receives a bill, how much time is lapsed?"

Interim Director Miller stated, "Four or five days."

Mayor Pro Tem Haire stated, "What I would like to suggest is that you write down your meter readings when you think it is time for it to be read and when you get the bill. It shouldn't vary that much from five days or so."

Ms. Shuler stated, "I am writing it down every day, I am staying on top of this."

Mayor Miller stated, "I feel your pain."

A motion was made by Councilmember Stroman, seconded by Mayor Pro Tem Haire, to approve the adoption of the Fiscal Year 2011-12 Budget Calendar. 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 amending the General Terms and Conditions of DPU as adopted by Council on November 6, 2001. This motion was unanimously approved.

DPS Director Davis overviewed the bids for a fire apparatus. He recommended that the City Administrator be authorized to award the bid to Ferrara Fire Apparatus Inc., for the purchase of a Ferrara heavy duty fire pumper apparatus on Ferrara Intruder II chassis, Hale 1500 gpm pump, heavy duty extruded fire body, 1000 gallon water tank with loose equipment as specified in the amount of \$417,362.00. He also stated that the engine would be based on the 2007 emission standards and it is a 2009 motor.

Mayor Pro Tem Haire asked, "Have you experienced any problems with these engines before?"

Director Davis replied, "We haven't experienced any mechanical problems, we have had some operating issues with repairs is all."

Councilmember Knotts asked, "What kind of warranty does it have?"

Director Davis stated, "I will have to check, it would have the standard warranty."

Mayor Miller asked, "You stated you could get a 2007 diesel engine?"

Director Davis stated, "Actually the standards changed in 2007 that went into effect in 2010. We were able to get a bid with a 2009 engine so we fell within the guidelines of a 2007 emission standards engine. It is a new engine. What happened is Ferrerra anticipated the change and stockpiled diesel engines for this reason. Again, we shouldn't have a problem with it at all."

City Administrator Yow stated, "Also, we want to make sure parts and supplies are readily available."

DPU Director Davis replied, "Yes, they are available."

Mayor Miller stated, "It is conceivable that if we bought another truck with a 2009 engine next year or the following year, we would still save some money."

Director Davis stated, "It is conceivable, but most fire service agencies would want to take advantage of this also. The emissions had a substantial cost to the apparatus." 2117

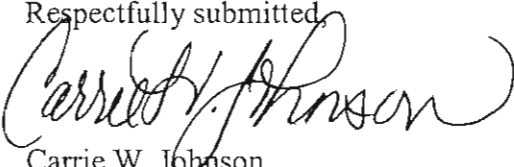
A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Keitt, to approve the bid to purchase a fire pumper apparatus giving authorization to City Administrator Yow. This motion was unanimously approved.

Information was given on the 2011 Election Schedule and City Administrator Yow brought attention on the date for petitions to be submitted to the City Clerk.

A motion was made by Councilmember Barnwell, seconded by Councilmember Keitt, to enter into an Executive Session for legal and contractual matters pertaining to Annexation Covenants/Impact Fees. This motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson
City Clerk

/pfb



CITY COUNCIL MINUTES

April 5, 2011

2118

Orangeburg City Council held its regularly scheduled meeting on Tuesday, April 5, 2011, at 7:00 P.M., in the Council Chambers Building with Mayor Miller presiding.

PRESENT:

Paul A. Miller, Mayor

Charles B. Barnwell, Jr.

Bernard Haire

Charles W. Jernigan

L. Zimmerman Keitt

Sandra P. Knotts

Richard F. Stroman

A motion was made by Councilmember Keitt, seconded by Councilmember Barnwell, to approve the March 15, 2011, City Council Minutes as distributed. This motion was unanimously approved.

Interim DPU Director, Tommy Miller, presented the Third Reading of an Ordinance amending the General Terms and Conditions of DPU as adopted by Council on November 6, 2002. There were no changes in the Ordinance. A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the Third Reading of the Ordinance. This motion was unanimously approved.

Ms. Gloria Kirkland accepted the Character Trait Proclamation "Diligence" for the month of April 2011.

Mr. John Singh, Assistant City Administrator, presented a Resolution for April 2011 as Fair Housing Month in the City of Orangeburg. A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Keitt, to approve the Fair Housing Resolution. This motion was unanimously approved.

City Administrator Yow presented to Council the newest streetscape project and bids for the next phase of Streetscape from Doyle to Lowman Streets on Russell Street. He stated, "We were successful in getting a CDBG Grant for this Streetscape. We are using the CDBG Grant along with money that we have budgeted in the 1% County Capital Projects Sales Tax. I appreciate your patience in letting us stay persistent in trying to obtain this grant of \$500,000.00. We are asking for your approval of the bid and the award of the contract for this Streetscape. This is part of the Master Plan that City Council approved many years ago. There are drawings in your packet and on the overhead screen. This would be similar to projects we have done in the past to include brick pavers, crosswalks, new sidewalks, granite curbing, landscaping; drainage, underground wiring, streetlights, decorative lighting, and DPU will take this opportunity to update some water meters. As you can see we received seven (7) bids and they were very competitive. I don't know that I've ever seen bids this close on a million dollar bid. I am happy to report that after the bid tabulations have been checked, I would recommend that Council approve the low bid and the award of the contract to AOS Specialty Contractors in the amount of \$1,035,120. They have done several projects for us in the past including a prior streetscape and the courtyard between City Hall and Council Chambers. They have a very good track record with us."

Councilmember Keitt asked, "What is the timing on this?"

City Administrator Yow replied, "The contract calls for a one year completion, but we anticipate it will be done before that. I would like to point out that the Commerce Department approves these bids and contract and we anticipate getting their approval in a couple of weeks and we will plan to start in late May."

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to award the contract for Streetscape from Doyle to Lowman Streets on Russell Street to AOS Specialty Contractors in the amount of \$1,035,120. This motion was unanimously approved. 2119

Approval of a Law Enforcement Mutual Aid Assistance and Support Agreement with Myrtle Beach, South Carolina, was deferred until a later date.

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

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to enter into an Executive Session for a legal matter concerning real property at the corner of Chestnut Street and Goff Avenue and the sale of real property on Stonewell Jackson Boulevard. This motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson
City Clerk

/pfb



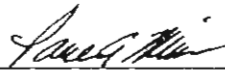
RESOLUTION

- 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.

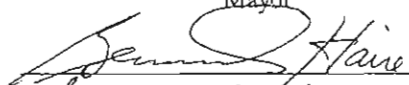
NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council, in Council assembled, do officially recognize April as Fair Housing Month in the City of Orangeburg.

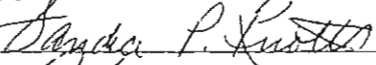
Passed By the City Council of the City of Orangeburg, State of South Carolina, this 5th day of April 2011.




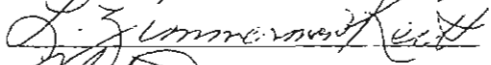



Mayor

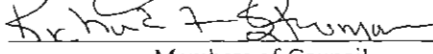






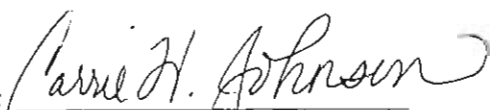






Members of Council

ATTEST:



City Clerk

CITY COUNCIL MINUTES

April 19, 2011

2120

Orangeburg City Council held its regularly scheduled meeting on Tuesday, April 19, 2011, at 7:00 P.M., in the Council Chambers Building with Mayor Pro Tem Haire presiding.

PRESENT:

Charles B. Barnwell, Jr.
Bernard Haire
Charles W. Jernigan
L. Zimmerman Keitt
Sandra P. Knotts
Richard F. Stroman

ABSENT:

Paul A. Miller, Mayor

A motion was made by Councilmember Keitt, seconded by Councilmember Jernigan, to approve the April 5, 2011, City Council Minutes as distributed. This motion was unanimously approved.

Ms. Scottie Johnson was to make an appearance concerning a utility billing matter but she did not attend the meeting.

Mayor Pro Tem Haire asked Interim DPU Manager Miller if DPU had any business. There was no utility matters brought before Council.

Mayor Pro Tem Haire asked for a motion to enter into an Executive Session to discuss a legal matter concerning the Orangeburg Municipal Airport and then returning to Open Session.

A motion was made by Councilmember Stroman, seconded by Councilmember Keitt, to enter into an Executive Session for a legal matter concerning the Orangeburg Municipal Airport. This motion was unanimously approved.

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

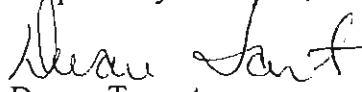
City Administrator Yow asked Council to consider approval of a Transfer Agreement of Federal Aviation Administration funds in the amount of \$101,357 (2008 FAA Title Funds) from the City of Orangeburg to Dorchester County. The City of Orangeburg would be reimbursed with Dorchester County 2013 Entitlement Funds. The FAA endorses this transaction.

A motion was made by Councilmember Jernigan, seconded by Councilmember Stroman, to approve the transfer agreement of FAA funds in the amount of \$101,357 which are 2008 FAA Title Funds from the City of Orangeburg to Dorchester County and then the City of Orangeburg would be reimbursed with Dorchester County 2013 Title Funds. This motion was unanimously approved.

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

There being no further business, the meeting was adjourned.

Respectfully submitted,


Duane Tarrant
Assistant City Clerk





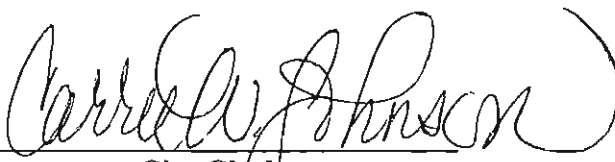
**RESOLUTION TO APPROVE THE EXECUTION OF A LAW
ENFORCEMENT MUTUAL ASSISTANCE AND SUPPORT AGREEMENT
WITH THE CITY OF MYRTLE BEACH, STATE OF SOUTH CAROLINA**



WHEREAS, the City of Orangeburg, South Carolina, and the City of Myrtle Beach, South Carolina, have always provided law enforcement assistance and support in their respective jurisdictions when necessary to maintain the public peace and welfare; and,

WHEREAS, the City of Orangeburg and the City of Myrtle Beach deem it necessary to continue to provide each with mutual assistance and support.

NOW, THEREFORE, BE IT RESOLVED BY ORANGEBURG CITY COUNCIL DULY assembled on the 3rd Day of May, 2011, that John H. Yow, City Administrator and Wendell Davis, Department of Public Safety Director, are hereby authorized and directed to enter into a Law Enforcement Mutual Assistance and Support Agreement with the City of Myrtle Beach, South Carolina, consisting of seven (7) pages and attached to this Resolution and made a part hereof by reference.




City Clerk


Mayor




Members of Council

CITY COUNCIL MINUTES

May 3, 2011

2121

Orangeburg City Council held its regularly scheduled meeting on Tuesday, May 3, 2011, at 7:00 P.M., in the Council Chambers Building with Mayor Miller presiding.

PRESENT:

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

A motion was made by Councilmember Keitt, seconded by Councilmember Barnwell, to approve the April 19, 2011, City Council Minutes as distributed. This was a 6-0-1 vote. Mayor Miller abstained as he was not present at the meeting.

City Administrator Yow addressed Council concerning the Resolution to approve the execution of a Law Enforcement Mutual Assistance and Support Agreement with the City of Myrtle Beach, South Carolina. He stated, "While the City has had a long standing relationship with the City of Myrtle Beach, this Agreement is required by law and needs to be approved by our governing body. City Attorney Walsh has reviewed this Agreement."

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to approve a Resolution to approve the execution of a Law Enforcement Mutual Assistance and Support Agreement with the City of Myrtle Beach, South Carolina." This motion was unanimously approved.

Mr. Don Tribble, Executive Director of the Community of Character, accepted the Character Trait Proclamation for the month of May 2011, "Generosity".

Mr. Buster Smith, Parks and Recreation Director, addressed Council stating, "The original Park Office, lighting and equipment which was destroyed by fire last Christmas was built in the 1930's. It is the intent of the City to recreate the original building. Mr. West Summers has presented drawings of the building and this will be used as a guide to solicit bids. Mr. Summers donated his professional services free of charge on this project. We have received a private donation that will cover the cost of the original structure, which we will depict as close as possible. Bids will be submitted this week for this project." This was received as information.

A motion was made by Councilmember Stroman, seconded by Mayor Pro Tem Haire, to approve the acceptance of a PARD Grant in the amount of \$10,054.00 for the sensory garden renovations for replacement of plant materials, bridge and pumping mechanism and expansion of the disc golf course to include another nine (9) holes which can be used during high flooding. A private donation was also secured along with this grant to cover the project's expenses. This motion was unanimously approved.

There were no utility matters brought before Council.

A motion as made by Mayor Pro Tem Haire, seconded by Councilmember Keitt, to enter into an Executive Session for a personnel matter concerning the DPU Manager position.

A motion was made by Councilmember Jernigan, seconded by Councilmember Keitt, to return to Open Session.

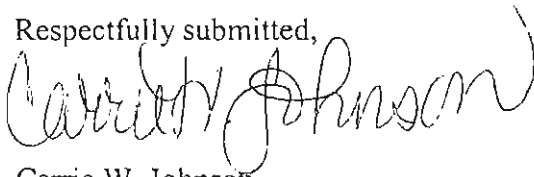
Council returned to Open Session.

A motion was made by Councilmember Barnwell, to appoint the existing interim DPU Manager, O. Thomas Miller, to the position of permanent DPU Manager. This motion was seconded by Councilmember Keitt. This was a 5-2 vote as Mayor Miller and Mayor Pro Tem Haire opposed.

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

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson
City Clerk

/pfb






**RESOLUTION TO APPROVE THE EXECUTION OF A LAW
ENFORCEMENT MUTUAL ASSISTANCE AND SUPPORT AGREEMENT
WITH THE CITY OF MYRTLE BEACH, STATE OF SOUTH CAROLINA**

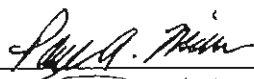

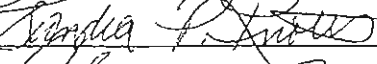

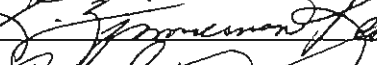

WHEREAS, the City of Orangeburg, South Carolina, and the City of Myrtle Beach, South Carolina, have always provided law enforcement assistance and support in their respective jurisdictions when necessary to maintain the public peace and welfare; and,

WHEREAS, the City of Orangeburg and the City of Myrtle Beach deem it necessary to continue to provide each with mutual assistance and support

NOW, THEREFORE, BE IT RESOLVED BY ORANGEBURG CITY COUNCIL DULY assembled on the 3rd Day of May, 2011, that John H. Yow, City Administrator and Wendell Davis, Department of Public Safety Director, are hereby authorized and directed to enter into a Law Enforcement Mutual Assistance and Support Agreement with the City of Myrtle Beach, South Carolina, consisting of seven (7) pages and attached to this Resolution and made a part hereof by reference.




City Clerk


Mayor





Members of Council

CITY COUNCIL MINUTES

May 17, 2011

2123

Orangeburg City Council held its regularly scheduled meeting on Tuesday, May 17, 2011, at 7:00 P.M., in the Council Chambers Building with Mayor Miller presiding.

PRESENT:

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

A motion as made by Councilmember Keitt, seconded by Councilmember Knotts, to approve the May 3, 2011, City Council Minutes as distributed. This motion was unanimously approved 6-0 as Councilmember Barnwell was not present at the time of voting.

Ms. Georgia Montgomery addressed Council, she stated, "Delta Sigma Theta Sorority, Inc., is a private, non-profit group whose purpose is to provide assistance and support to established programs to our local communities and throughout the world. Our sisterhood is over 200,000, mostly African American Women in over 900 chapters all over the world. The major programs of the Sorority are a five point thrust, one of which is political awareness and involvement. That is why we are here. Every Delta member is pledged to use her influence for the enactment of laws for the protection of the unfortunate and the weak and the repeal of those laws which deprive human beings of their rights. It is with this understanding that we provide support to the undeserved, educate and participate in the establishment of positive public policy and to highlight issues and provide solutions to problems in our community. From time to time, you may see us here monitoring hoping to have input and working with you. On behalf of the 194 members of the Orangeburg chapter we wish to thank you for your dedicated service and your efforts to make Orangeburg a place to be proud of."

Each Delta Sigma Theta Sorority member present was introduced to Council.

City Administrator Yow addressed Council in regards to the marketing and potential sale of a parcel of land. He stated, "As many of you know, Mr. Alec Chaplin gave us a parcel of land that is 7.48 acres of commercial property. He gave that to the City with no strings attached. As you can see from the memo, we wanted to make sure we accomplish three things. That is to receive Council's input on the process we have outlined and give me direction to proceed with the sale. Also, I wanted to give initial notice to the public for the sale and I wanted to use this as an opportunity to do that. This is property located behind CVS Pharmacy on John C. Calhoun Drive. It has frontage both on John C. Calhoun and on Stonewall Jackson Boulevard. The backside of the property goes to a drainage ditch that borders the disc golf course which is part of the Gardens. It does not border Glover Street. For the record, we do have an appraisal of the property and a Phase I Environmental Assessment on hand for prospective bidders. We won't give out copies as they are rather lengthy. We only want serious bidders for this property. We will place signs on both road frontages for advertising and the zoning designation of B-1. Assistant City Administrator Singh and I will be the contact persons for questions. I also put in the memo, as an example, that we will accept sealed bids through June 3, 2011, that date is not etched in concrete. I will set that final date once Council gives me the go ahead and we draft the bid packages. We want to give ample time to review the property. The City reserves the right to accept or reject any and all bids. We will look to the high bid and accept that bid or negotiate with that person, but not necessarily will accept that bid. We have the right to reject any bids. If the contract is not accepted by the high bidder, the City then has the right to negotiate with the next lowest bidder. One thing I

2124
want to point out to potential buyers is that we sell property by Ordinance and it takes three readings. Once we accept the bid, a closing would not be set up until after Council approves the three readings of the Ordinance. We will also advertise in our local paper and on our website. We would also require the bidder to submit a bid deposit of 5% in the form of cash or certified check. Unsuccessful bidders will have their deposit returned. If the high bidder backs out of the deal, the City keeps the deposit. We are doing this to make sure we have serious bidders. Any commissions would be paid by the buyer and the City Attorney would handle the closing. Mr. Roger Brant, Service Department Director, will be able to walk the property with interested parties. As Council knows, there is a drainage ditch and a retention pond and we want to make sure that is revealed. The property is restricted in its uses according to its zoning. We are also developing a list to put in the form of deed restrictions to go with the property that it cannot be used for i.e., junkyards, mobile home park, flea market, storage of vehicles or boats, scrap metal operations or communication towers. This will be shown as restrictions in the bid packet. This would be the time to do this to protect property adjacent to the Gardens."

Councilmember Keitt asked, "Are we going to sell the whole piece?"

City Administrator Yow replied, "Yes, this is for the whole tract. We have already had some interest in this property and we want to be fair and equitable in how we market this for sale."

Councilmember Stroman asked, "Accept the bids through June 3rd?"

City Administrator Yow stated, "That is for illustration only, we would market it for at least thirty days."

Mayor Pro Tem Haire asked, "Under no circumstances would the high bidder be allowed to retain the bid deposit if he backs out?"

City Administrator Yow replied, "It is my intent that we would keep the bid deposit unless there is a mistake on our part. I want to make sure they get a copy of all the restrictions, environmental study and appraisal. It would not be a responsive bid if they did not include the deposit."

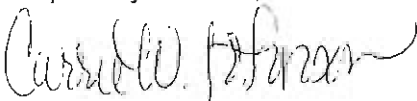
A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, that we authorize City Administrator Yow to proceed with the sale of the property located on Stonewall Jackson Boulevard, (TMS# 0153-08-03-001.000). This motion was unanimously approved.

There were no utility matters brought before Council.

A motion as made by Councilmember Keitt, seconded by Councilmember Stroman, to enter into an Executive Session for a contractual matter concerning economic development/Spec Building at County/City Industrial Park and a legal matter on discussion of the Department of Public Utilities Easement.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson
City Clerk

CJ/pfb



CITY COUNCIL MINUTES

June 7, 2011

2125

Orangeburg City Council held its regularly scheduled meeting on Tuesday, June 7, 2011, at 7:00 p.m., in the Council Chambers Building with Mayor Miller presiding.

PRESENT:

Paul A. Miller

Charles B. Barnwell, Jr.

Bernard Haire

Charles W. Jernigan

L. Zimmerman Keitt

Sandra P. Knotts

Richard F. Stroman

Public Hearing was opened for comments concerning zoning change from A-2, Multi-Family Residential District to B-1 General Business District, property belonging to Erik D. Christensen and Val-Rae Christensen for property located at 1530 Amelia Street, Tax Map # 0173-13-13-002.000.

Ms. Val Rae Christensen addressed Council. She stated, "I live at the property at 1530 Amelia Street that we bought about 6 ½ years ago. We saw a lot of potential with the house there. Last January, in 2010, my husband had to find another job and he has been working in Virginia since then. We weren't really planning on leaving. I have been here trying to finish the house and get it sold. We have only had two viewings. One was interested in buying the house and turning it into apartments which is sort of the last thing I want. Most of the houses on the block are that way. My in-laws bought a house on the same block and they converted the house from apartments, so I know how much work that is to rescue the house from that situation. The Albergotti House is the next house over and is one like that and it is in really bad shape and I attribute that to it being multi-residence. My ultimate goal is to sell it to a family, it is a large old house and a lot of people have trepidation of that kind of structure. It was suggested to us that a number of lawyers in the area have some of the large older homes for offices and I think it serves a really great purpose that they are wonderfully preserved where it serves Orangeburg's history. It is in a great location coming up Summers Avenue within one block of the County Administration Building. We have lowered the price all we can at this point and I do not intend on raising the price just because it may be commercial. I would like to see it go to someone who would appreciate it."

Mayor Miller asked, "You said your in-laws live on the corner of Lowman and Amelia Streets and it is for sale, I am familiar with the house, what it used to be."

Ms. Christensen replied, "Yes, they have had some interest, but it is the economy."

Mayor Miller stated, "It is zoned office-institutional".

No other comments were heard and the Public Hearing was closed and the regularly scheduled City Council meeting began.

A motion was made by Councilmember Barnwell, seconded by Councilmember Keitt, to approve the May 17, 2011, City Council Minutes as distributed. This motion was unanimously approved.

Judge Peggy Doremus accepted the June Character Trait Proclamation, "Punctuality".

Assistant City Administrator Singh overviewed the Ordinance pertaining to amending Section 24.4.1, District Boundaries and Maps of the City of Orangeburg Code of Ordinances and the City's Zoning Map for property located at 1530 Amelia Street, Tax Map # 0173-13-13-002.000.

Councilmember Stroman asked, "Is there proper parking in the rear for a business?"

Assistance City Administrator Singh stated, "That is one thing we did not look at, I would think it would have proper parking in the rear, we will have to look at that."

City Administrator Yow replied, "It would depend on its use for required spaces, a law office would have ample parking in the rear, but a restaurant would not. When someone applies for a business license, we would determine the use and parking requirements at that time, if Council changes the zoning."

Councilmember Jernigan asked, "Under B-1, would there be anything there to prevent someone from tearing the house down and putting up storage buildings?"

Councilmember Barnwell asked, "Isn't this the same property we turned down six or seven years ago?"

Councilmember Jernigan asked, "Under Office-Institutional that would not happen, would it?"

City Administrator Yow replied, "We are going to have to look that up. Council has the option of accepting this recommendation, not accepting or making another recommendation. That is a point and that may be acceptable to Ms. Christensen."

Councilmember Jernigan asked, "What are your wishes for the house?"

Ms. Christensen replied, "I understood that B-1 was limited use."

Councilmember Jernigan stated, "B-1 is not limited use to my knowledge."

City Administrator Yow replied, "B-1 has got a table and limits but there are lots of uses."

Councilmember Keitt asked, "Would you have to state what you wanted it to be?"

City Administrator Yow replied, "Not in the rezoning."

Mayor Pro Tem Haire stated, "This particular property having come before Council some time ago came up, Council rejected it. I have not changed my mind as it relates to the rezoning of this property. I am a stickler of businesses encroaching on residences. I know the former Councilmember, Mrs. Rheney, always talked about establishing a historic district in preserving some of these homes. I would hope that this would be looked at very seriously. Until we can grow the City, I am not in favor of encroaching on any business in residential areas. I am still opposed to that rezoning."

City Administrator Yow stated, "Going back to a previous question. Mini warehouses are allowed in B-1 only under special circumstances, they are not allowed in O-I."

Mayor Miller stated, "Would it be proper for us to table this tonight for further study?"

Councilmember Stroman asked, "Would you be happy with Office-Institutional?"

Page 3

Ms. Christensen replied, "I was told by someone in the Planning Commission because I had asked about that earlier, that I would have to have Mr. Horger's permission to go along with it as well."

Mayor Miller asked, "What does Mr. Horger have to do with it? He is B-1."

City Administrator Yow stated, "That is not correct, because you are abutting to commercial on one side. It could be O-I, if Council approves."

Councilmember Keitt made a motion to table this item for further review, seconded by Councilmember Barnwell and unanimously approved.

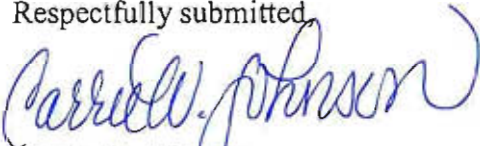
A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Knotts, to approve authorization for City Administrator to enter into a Financial Party Agreement and Contract with the South Carolina Department of Transportation (SCDOT) for Middleton Street Streetscape Project in the amount of \$400,000. This motion was unanimously approved.

There were no utility matters brought before Council.

A motion was made by Councilmember Barnwell, seconded by Councilmember Stroman, to enter into an Executive Session for legal matters concerning the Municipal Election and Federal Energy Regulatory Commission (FERC) Filing. 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 June 21, 2011

Orangeburg City Council held its regularly scheduled meeting on June 21, 2011, at 7:00 P.M., in the Council Chambers Building with Mayor Miller presiding. 2129

PRESENT:

Paul A. Miller

Charles B. Barnwell, Jr.

Bernard Haire

Charles W. Jernigan

L. Zimmerman Keitt

Sandra P. Knotts

Richard F. Stroman

A motion was made by Councilmember Keitt, seconded by Councilmember Barnwell, to approve the June 7, 2011, City Council Minutes as distributed. This motion was unanimously approved.

Captain Eugene Gehry, USN-Retired, addressed Council. He stated, "It is an honor and privilege to be here. I have nice words to say. In February, 2009, I came to appeal to you to have a memorial in the Gardens and I want to say thank you, Mr. Mayor, because you told me we are going to do it and you did it. I, not only, want to thank the Mayor but each one of you. We not only have a monument, but we have a Veterans Memorial. People can go to the Gardens and walk on the hollowed ground and read the names of all the men and women of the City and the Orangeburg district who have given their lives in the defense of freedom. Freedom is not free. Thomas Jefferson once said, "The Tree of Liberty and Freedom is watered by the blood of every generation". No truer words were ever spoken and I am proud to be a veteran in Orangeburg and I am proud of what we have done there. I want to give you an atta-boy for recognizing a job well done. I also want to thank Mr. John Yow and Mr. Buster Smith who gave Mr. Vic Fenton and I the opportunity as ordained and certified to go out and sell bricks on behalf of the City of Orangeburg. I don't know how many we sold, but due to our old age, we did the best we could. I am disappointed to stand here tonight and tell you that I am a member of the Sons of Confederate Veterans and a member of the Veteran's of Foreign Wars. Vic and I went to the American Legion and the Veteran's of Foreign Wars asking them to help us and we received no help from them whatsoever which was disappointing to me because it made me hang my head, but I am not hanging my head tonight. Through your efforts, we have a monument and a memorial and I would like to ask Mr. Mayor if there is a dedication day in the works for the new markers that are covered? I think they are covered and one of the tarps blew off and I looked at them and they are beautiful, the granite is immaculate, the etchings are done beautifully and it is something for all of us to be proud of. Do you have any idea of a day that we could have a ten minute ceremony or anything appropriate to take the covers off so everyone can look and be proud?"

Mayor Miller responded, "We have not discussed that as far as what the appropriateness would be and I don't know if we really need to have an official unveiling of it. I know that Veteran's Day is only a few months away and maybe we'll roll all of that into that event. I don't have an answer for you."

Mayor Miller stated, "I couldn't be any more proud than any of the Veterans in our county, it took a long time to get these funds. We have not finished and we are planning on other enhancements as monies come in. Rome was not built in a day. We have satisfied the majority of it and the next thing is to work on a parking lot and a sidewalk, but that is not coming any time soon."

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to delay action on the appointment to the Election Commission. This motion was unanimously approved.

2130 Assistant City Administrator John Singh overviewed the Ordinance pertaining to the rezoning of 1530 Amelia Street where the item was tabled at the last Council meeting.

Assistant City Administrator Singh presented back up for the rezoning of property. The Planning Commission recommended that the property be rezoned from A-2 to B-1. A few other options that were discussed were O-I or doing nothing and let it remain as A-2."

Councilmember Knotts asked, "How are the other properties next to it zoned?"

Assistant City Administrator Singh replied, "If you look at the map, red is B-1, green is A-2 and gray is O-I."

Mayor Miller asked, "I know that the Ordinance specifies a change from A-2 to B-1, couldn't we amend that from A-2 to O-I? I know last time Councilmember Jernigan asked if Mrs. Christensen if she would be amenable to it being changed from B-1 to O-I."

Mayor Miller asked, "Mrs. Christensen, would O-I work for you?"

She replied, "Yes, after reading the plan, I would think O-I would be the most appropriate."

Mayor Miller stated, "The other side of the street is O-I and the three lots beyond you are O-I and to me it just makes sense to change it to O-I. I just needed to hear from you on changing it."

Councilmember Jernigan made a motion to amend the Ordinance from A-2 to O-I, seconded by Councilmember Stroman. This was a 5-2 vote as Mayor Pro Tem Haire and Councilmember Knotts opposed.

Councilmember Barnwell asked, "The two houses next to this are what?"

Assistant City Administrator Singh replied, "A-2."

Councilmember Barnwell stated, "I still have a problem changing residential houses and invading into residential neighborhoods with O-I."

Mayor Miller stated, "I understand what you are saying, but standing in her front yard, everything to the left and behind her and across the street is B-1. The property going down the street is O-I and only three houses have residents in them. The house that is to the right of her looks to me that no one is in it. To me, I just can't see someone moving in there to live. It would have a better use as an office and stay in a restored situation. It would maintain the integrity of the house like some on Summers Avenue. Next door to you, the Wannamaker Agency is O-I and they took the house and made it into an office. That is my feeling on it. If we were to proceed with O-I, I would suggest that we send it back to the Planning Commission to bring the other two lots in as O-I so that it is consistent."

Councilmember Jernigan stated, "I agree with Councilmember Barnwell, I hate to see us infringing on the communities, but in this particular case, it is one of only three lots in that whole area over there that is not either business or O-I. I don't really see a problem and it is not infringing on a community area because everything around it is already O-I or B-1. I don't want to infringe on a community if it involves a lot of people or houses."

Mayor Pro Tem Haire asked, "You wish to get the other two to go as O-I and also to go back to the Planning Commission?"

Mayor Miller responded, "If we vote to change this one to O-I, I would make another motion for the Planning Commission to advertise to change the other two properties to O-I to be consistent on that street mainly, because the houses are in such disrepair."

City Administrator Yow asked, "Are you asking staff to approach the owners of these properties first to see they would like it changed?"

Mayor Miller stated, "Yes."

Councilmember Stroman asked, "Can she petition the other two lots with her petition and we could rezone it all at one time?"

Mayor Miller stated, "No, it must be the owner of record."

A vote was taken on the Amended Ordinance. The vote was 4-3, Mayor Pro Tem Haire, Councilmember Knotts and Councilmember Barnwell opposed.

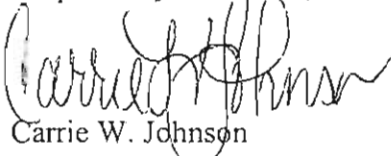
A motion was made by Councilmember Stroman, seconded by Councilmember Jernigan, to ask staff to take back the other two lots to the Planning Commission after the owners are notified to change the zoning to O-I. This was a 5-2 vote with Councilmember Knotts and Mayor Pro Tem Haire opposing.

There were no utility matters brought before Council.

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

There being no further business, the meeting was adjourned.

Respectfully submitted,


Carrie W. Johnson
City Clerk

/pfb





**A RESOLUTION AUTHORIZING CERTAIN
INCENTIVES FOR PROJECT INNOVATION AND AUTHORIZING AN INCENTIVE
AND INDUCEMENT AGREEMENT AMONG PROJECT INNOVATION, THE CITY OF
ORANGEBURG, ORANGEBURG COUNTY, AND THE ORANGEBURG COUNTY/CITY
INDUSTRIAL PARK COMMISSION**

WHEREAS, Project Innovation, an entity whose name cannot be publicly disclosed at this time, and/or its subsidiaries, affiliates, successors, assigns, sponsors, lessors, and others (collectively, the "Company"), desires to invest capital of approximately \$38,000,000 over a six year period for the purpose of establishing a manufacturing facility in Orangeburg County (the "County"), which the Company estimates will result in the employment of approximately 278 full time employees over such period (the "Project"); and

WHEREAS, the Company desires to occupy an approximately 151,000 square foot existing spec building (the "Building") located on an approximately 22 acre tract of land in the County (the "Site"), which Site is owned by the Orangeburg County/City Industrial Park Commission (the "Commission") and is a part of the Orangeburg County/City Industrial Park, and which Building is currently owned by a third party developer (the "Developer") and which will need to be further improved to accommodate the Company's needs; and

WHEREAS, the City of Orangeburg (the "City") has determined that the Project will provide substantial benefits to the City and to the Commission; and

WHEREAS, the City desires to provide the Company with an inducement to locate in the County by (i) offering financial assistance to the Orangeburg County/City Industrial Park Commission (the "Commission") to acquire the Building so that, at the Company's option, the Company can either lease the Building and Site (collectively, the "Property") from the Commission with an option to purchase the Property for nominal consideration (the "Lease"), provided the Company has met certain performance requirements related to the creation of jobs and investment of capital as described further in the Incentive and Inducement Agreement (defined below) or, alternatively, purchase the Property from the Commission for nominal consideration immediately upon acquisition of the Building by the Commission, but subject to certain clawback provisions related to the performance requirements (the "Sale"), all as further described in an incentive and inducement agreement (the "Incentive and Inducement Agreement") attached hereto as Exhibit A; and (ii) by entering into such other commitments as are appropriate in connection with the Project; and

WHEREAS, the Company currently has a target occupancy date for the Property of January 2012, and therefore time is of the essence for the Company.

NOW, THEREFORE, BE IT RESOLVED by the City Council, the governing body of the City, as follows:

Section 1. The City Council hereby finds that: (i) the Project is anticipated to benefit the general public welfare of the County and City by providing services, employment, recreation, or other public benefits not otherwise adequately provided locally; (ii) the Project gives rise to no pecuniary liability of the City or a charge against its general credit or taxing power; (iii) the purposes to be accomplished by the Project are proper governmental and public purposes and the inducement of the location of the Project within South Carolina is of paramount importance and the benefits of the Project to the public are greater than the cost (which latter finding has been made using an appropriate cost-benefit analysis); and (iv) it has evaluated the Project considering all relevant and required factors, including, but not limited to, the anticipated dollar amount and nature of the investment to be made and the anticipated costs and benefits to the City, and all other criteria prescribed by law.

Section 2. The City agrees to provide up to \$1,600,000 to supplement an additional \$2,000,000 of funding from the State of South Carolina and up to an additional \$1,600,000 of funding from the County of Orangeburg (collectively, the "Grants") to assist the Commission in the acquisition of the Building from the Developer as soon as possible. The terms of the lease or sale of the Property to the Company are further described in the Incentive and Inducement Agreement. The funds will be paid to the Commission at such time as the County and Commission agree and enter into contractual agreements with the City providing:

- a. The City shall receive and be paid not less than forty (40%) percent of all revenues received by the Commission or the County from the Company, Project, or Building, or any subsequent owner of the Property or any part thereof, including without limitation, real and personal property taxes, fees, rentals, fees in lieu of taxes, and all other revenue of any kind and from any source until the grant funds of the City and all carrying costs paid by the City after completion of construction of the Building are paid in full. Under any and all circumstances the County and City will share equally in any revenue;
- b. If the City has not been paid the above sums in full, the Commission will convey the Property to the County and City, as tenants in common, if no revenue is produced from the Project, Property or Building for a consecutive six (6) months period, or the Company fails to comply with any lease provisions, or the Company fails to comply with the provisions of the Incentive and Inducement Agreement, or no revenue is paid to the City for a consecutive three (3) months period;
- c. If the City has not been paid the above sums in full, the County will convey a one-half interest in the Property to the City if and when it obtains title to the property or any part thereof or retain title to any property and pay the City the unpaid balance of said sums within forty-five (45) day after obtaining such title.

Section 3. The Incentive and Inducement Agreement attached hereto as Exhibit A, which describes the basic terms of the incentives and commitments of the Company, is hereby approved with such changes not materially inconsistent with the attached agreement or materially adverse to the City, and the Mayor of the City is hereby authorized and directed to execute the Incentive and Inducement Agreement with the Company, the County, and the Commission.

Adopted this 12th day of July, 2011.



Paul G. Miller
Mayor

Charles L. Jones

Richard T. Thomas

Jonda T. Hester

Ben Haine

Members of Council

ATTEST:
Carrie E. Johnson
City Clerk

2132

**Orangeburg City Council
Special Meeting
July 12, 2011**

Orangeburg City Council held a special meeting on July 12, 2011, at 12:00 Noon in the Council Chambers Building with Mayor Miller presiding.

PRESENT:

**Paul A. Miller
Bernard Haire
Charles W. Jernigan
Sandra P. Knotts
Richard F. Stroman**

ABSENT:

**Charles B. Barnwell, Jr.
L. Zimmerman Keitt**

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Knotts, to enter into an Executive Session for a contractual/legal matter concerning Spec Building and Economic Development. This motion was unanimously approved.

Council entered into Executive Session.

A motion was made by Councilmember Stroman, seconded by Mayor Pro Tem Haire, to return to Open Session.

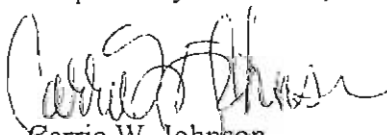
Council returned to Open Session.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Knotts, to approve a Resolution authorizing certain incentives for Project Innovation and authorizing an Incentive and Inducement Agreement among Project Innovation, the City of Orangeburg, Orangeburg County and the Orangeburg County/City Industrial Park Commission. This motion was unanimously approved.

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

There being no further business, the meeting was adjourned.

Respectfully submitted,


Carrie W. Johnson
City Clerk

/pfb



Budget Workshop Minutes

July 20, 2011

5:30 P.M.

2133

Orangeburg City Council held a Budget Workshop Meeting on Wednesday, July 20, 2011, at 5:30 P.M., in the City Council Building.

PRESENT:

Paul A. Miller, Mayor

Charles B. Barnwell

Bernard Haire

Charles W. Jernigan

L. Zimmerman Keitt

Sandra P. Knotts

Richard F. Stroman

John H. Yow, City Administrator

John D. Singh, Assistant City Administrator

Carrie Johnson, Finance Director/City Clerk

Phil Sarata, Times and Democrat

City Administrator Yow overviewed the City's FY 2010-11 Projected Budget figures and explained in detail what revenues were falling short or exceeding original budget amounts. Also, discussed limiting expenses. A discussion was held on giving employees gift cards in August since projections have revenues exceeding expenses and a total of 1% cost-of-living has been given over the last two years.

City Administrator Yow overviewed the FY 2011-12 Budget. Council was given a workbook as well as a handout detailing specifics of the City's budget (attached). The budget is balanced at \$17,644,427 which also includes a \$1,202,386 in grants (revenues and expenses).

Topics were millage rates that would not be increasing as well as fire contracts. A discussion was held on banking the millage for future use, as now allowed under the Point of Sale legislation compromised and passed this year.

The Finance Director spoke to Council about business, building, planning and zoning license penalties and increasing them as well as implementing a penalty for working without a license. She stated, "It has become harder and harder to track down businesses that are operating without a license. Contractors come in and try to avoid getting a license and if they are caught, they just pay the license fee. Just this year, after the due date, there were over five hundred (500) business licenses that were not renewed on time."

Assistant City Administrator Singh spoke to Council on increasing certain building, planning and zoning fees as well as other permit fees to keep our fees in line with other cities and counties. Also, an inspection fee would be implemented for those permits requiring inspections that are less than \$500.00.

City Administrator Yow noted also that the rental for Stevenson Auditorium would be increasing for any out-of-county residents, no storm water management fees were in the budget and the franchise fees remained unchanged. He also noted slight growth in hospitality and accommodation tax fees. All businesses will have a sanitation fee at least equivalent with residential fee. There is no overall increase to commercial sanitation fee as we have not been informed an increase in county tipping fee. Residential fee will remain unchanged in FY 2011-12. DPU annual transfer will increase \$165,000--\$600,000 in cash reserve is budgeted.

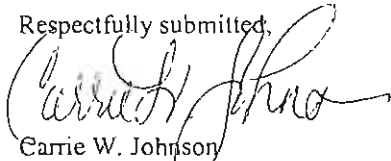
2134

Expenditures were highlighted overall stating there were no new positions and that a 2% cost-of-living was budgeted as well as a merit for approximately 15% of employees. An increase was budgeted for insurance. He stated, "We do not know the exact amount of increase at this time and a Resolution will be brought to you for approval."

City Administrator Yow also stated that some of the small capital items requested for FY 2011-12 were moved to FY 2010-11 and the capital lease purchase for the year totaled \$649,500 whereas last year, it was over \$1,1100,000. The biggest item is a commercial sanitation garbage truck. Some items were also moved to 095 (2%) fund.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson
Finance Director

CJ/pfb



**RESOLUTION AUTHORIZING THE EXECUTION OF A REAL PROPERTY AND
REVENUE SHARING AGREEMENT BETWEEN THE COUNTY OF ORANGEBURG,
CITY OF ORANGEBURG AND THE ORANGEBURG COUNTY\CITY INDUSTRIAL
PARK COMMISSION**

WHEREAS, the County of Orangeburg entered into an Incentive and Inducement Agreement dated July 5, 2011, and

WHEREAS, the City of Orangeburg approved said Incentive and Inducement Agreement by Resolution dated July 12, 2011, and

WHEREAS, the said Incentive and Inducement Agreement required funding by both the County of Orangeburg and City of Orangeburg conditioned upon the receipt of additional funding from the State of South Carolina, and

WHEREAS, the approval by the City of Orangeburg was conditioned upon receiving reimbursement of its funding through a revenue stream to be produced by an industry presently known as "Project Innovation", and

WHEREAS, the County and City have now agreed upon reimbursement from the "Revenue Stream" as defined in the attached Real Property and Revenue Sharing Agreement, and

WHEREAS, upon failure of the County and City to receive full reimbursement the Orangeburg County\City Industrial Park Commission has agreed to convey the "Property" as described in the attached Real Property and Revenue Sharing Agreement to the County and City, and

WHEREAS, the County of Orangeburg, City of Orangeburg and the Orangeburg County\City Industrial Park Commission have agreed to the above and the final terms of the manner and method of reimbursement for both the County and City which are contained in the Real Property and Revenue Sharing Agreement attached hereto as "Exhibit A".

NOW THEREFORE BE IT RESOLVED BY ORANGEBURG CITY COUNCIL DULY ASSEMBLED on the 2nd day of August, 2011, that Paul A. Miller, Mayor of the City of Orangeburg is hereby authorized to enter into the Real Property and Revenue Sharing Agreement attached hereto as Exhibit "A" and made a part hereof by reference.

AND IT IS SO RESOLVED.



Paul A. Miller
Mayor
James F. Walsh
Richard F. Brown
Charles B. Stewart
Dennis P. Kirtles

Members of Council

Carmelita Johnson
ATTEST
City Clerk

City Council Meeting August 2, 2011

Orangeburg City Council held its regularly scheduled meeting on August 2, 2011, at 7:00 P.M., in the Council Chambers Building with Mayor Miller presiding. **2135**

PRESENT:

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

ABSENT:

Bernard Haire

A motion was made by Councilmember Barnwell, seconded by Councilmember Keitt, to approve the June 21, 2011, City Council Minutes as distributed. This motion was unanimously approved.

A motion was made by Councilmember Jernigan, seconded by Councilmember Stroman, to approve the July 12, 2011, Special City Council Minutes as distributed. This was a 4-0-2 vote. Councilmembers Barnwell and Knotts abstained as they were not present at the meeting.

A motion was made by Councilmember Keitt, seconded by Councilmember Knotts, to approve the July 20, 2011, Budget Workshop Minutes as distributed. This motion was unanimously approved.

A motion was made by Councilmember Jernigan, seconded by Councilmember Stroman, to approve the Second Reading of an Ordinance to amend Section 24.4.1, as amended to Office-Institutional (O-I), District Boundaries and Maps of the City of Orangeburg Code of Ordinances and the City's Zoning Map for property located at 1530 Amelia Street, Tax Map # 0173-13-13-002.000. This was a 4-2 vote as Councilmembers Barnwell and Knotts opposed.

A motion was made by Mayor Miller, seconded by Councilmember Jernigan, to reappoint Mr. D.D. Salley to the City Election Commission for a 6 year term ending March, 2017. This motion was unanimously approved.

Ms. Leigh Ann Holloway accepted the July, 2011 Character Trait Proclamation "Cheerfulness" and the August, 2011 Character Trait Proclamation "Patience".

City Administrator Yow thanked the staff for their effort in this year's budget process. He stated, "It is teamwork bringing this budget in balanced. I want to thank Council also for the Saturday they put in for the Budget Workshop along with the budget meeting. In keeping with the philosophy, I think we should always do an amended budget to tell you where we think we are in the current year before we embark on the next year. As you can see from the projections for FY 2010-11, we are projecting we are going to have revenues exceeding expenses of over \$300,000 this year. I do want to remind you as I do every year that we still have two months of operating expenses to go which are included in these numbers. As we do every year, we do try to bring in those numbers rather close. Included in that number is a \$300.00 bonus for City employees that I discussed previously with Council. I appreciate your consideration in lieu of the fact that City employees did not have a raise two years ago and last year was only 1% and this was coupled with the increase we have had with health insurance costs.

2136
A motion was made by Councilmember Kielt, seconded by Barnwell, to approve the First Reading of an Ordinance to amend the Budget for the City of Orangeburg, SC, for the FY beginning October 1, 2010 and ending September 30, 2011. This motion was unanimously approved.

Councilmember Jernigan stated, "I appreciate you and your staff having a balanced budget and I am amazed you can do it without having to burden the citizens anymore than you have to. Thanks again."

City Administrator Yow replied, "I appreciate that and again it is a total team work effort."

City Administrator Yow stated, "We are bringing you a proposed balanced budget as Council is required to adopt by law with total revenues and expenses of \$17,644,427, which includes all operational and capital. I want to point out that this does not include the 2% Hospitality and Accommodations Fund or the County Capital Projects Fund. If you look at last year's budget, this is a sizable increase and that is because of \$1.2 million of grants. If we do not receive those grants, we do not execute corresponding expenditures. This budget does not include a tax increase. We are currently at 87 mills and have been since 2009. We were at 85 mills in 2007. Council is aware that the point of sales legislation that was passed this year would have allowed Council to raise it 7 mills, but you can bank for three years in case of large expenditures needed in future budgets. There is no business license rate increase, but there is an increase in penalties for those that do not pay on time or are found working without a license. It would be ideal that we would never collect any penalties. There will be no fire contract fee increase and there has been no increase in three budget years. However, the cost of fuel and tires are increasing. There will be no residential sanitation rate increase, no commercial sanitation rate overall increase planned at this time and a minimum rate set, some are less than residential fee, so all commercial accounts will be at least \$11.00. No in-city or out-city recreation registration fees increase. A \$600,000 cash reserve budgeted as revenue and the DPU transfer increased \$165,000. A continued reduction in Local Government Fund from the State in the \$75,000 to \$100,000 range. There will no change in Hillcrest rates; however, the golf course is projected to operate at a deficit. Airport revenue steady although several hangars are still empty and we need to increase revenue overall. Insurance business license growing for the first time in several years. Stevenson Auditorium rental rates will increase for an out-of-county rental rate. Franchise fees remain unchanged. There will be no new positions, a 2% COLA raise and merit raises for 15% of employees. There will be no furloughs or layoffs and health insurance will increase approximately 10% (\$80,000). Some FY 2011-12 requested small capital items were moved back to FY 2010-11. Purchase of commercial sanitation truck will be largest item at \$225,000. Most operational line items have been held for several years and even reduced some."

A motion was made by Councilmember Jernigan seconded by Councilmember Barnwell, to approve the First Reading of an Ordinance to raise revenue and adopt a Budget for the City of Orangeburg, SC, for the FY beginning October 1, 2011 and ending September 30, 2012.

City Administrator Yow overviewed the next Ordinance pertaining to the reimbursement of expenses incurred by the Mayor of the City of Orangeburg in the performance of his duties. He explained that this expense has been shared jointly with the Department of Public Utilities and has been set for quite some time not to exceed \$200.00 This Ordinance would increase it to a maximum of \$300 monthly shared jointly. This was a 5-0 vote as Mayor Miller abstained.

There were no utility matters brought before Council.

A motion was made by Councilmember Stroman, seconded by Councilmember Knotts, to enter into an Executive Session for a contractual matter and a legal matter concerning the Spec Building at the City/County Industrial Park.

A motion was made by Councilmember Barnwell, seconded by Councilmember Keitt, to return to Open Session. This motion was unanimously approved. This motion as **2137** unanimously approved.

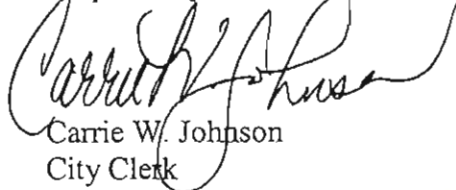
City Attorney Walsh presented a Resolution authorizing the execution of a Real Property and Revenue Sharing Agreement between the County of Orangeburg, City of Orangeburg and the Orangeburg County/City Industrial Park Commission.”

A motion was made by Councilmember Barnwell, seconded by Councilmember Keitt, to approve the Resolution authorizing the execution of a Real Property and Revenue Sharing Agreement between the County of Orangeburg, City of Orangeburg and the Orangeburg County/City Industrial Park Commission. This motion was unanimously approved.

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

There being no further business, the meeting was adjourned.

Respectfully submitted,


Carrie W. Johnson
City Clerk

/pfb





Resolution

Adopting City's Safety Program

- WHEREAS,** the City of Orangeburg, South Carolina, including the Department of Public Utilities, realizes the responsibility of providing a safe work environment for employees and that each employee must pursue the highest standards in his/her assigned activities and that all municipal employees must recognize that their own health and well-being as well as that of their co-workers and the protection of our human resources, are as important as the activity and job being performed; and,
- WHEREAS,** the City and the Department of Public Utilities have established and maintain a Loss Control Management Program and expect their employees to respond to loss control efforts and to perform their assigned job in accordance with all applicable safety rules and regulations; and,
- WHEREAS,** the City and the Department of Public Utilities have established Central Safety Committees, chaired by the City Administrator/Manager of Department of Public Utilities or his/her designee, Department Heads, Insurance Clerk and one employee, (appointed at-large by the Safety Committee, for a one year term) shall be members of the Committee; and,
- WHEREAS,** the Safety Committee shall continuously strive to improve the loss control efforts and operational efficiency of the City and the Department of Public Utilities by adopting and updating safety rules and policies, safety audits, accident inspections and reviews, counseling employees, indentifying loss trends; and if necessary, recommending disciplinary action for employees disobeying safety rules and/or working in an unsafe manner; and,
- WHEREAS,** each Municipal Department Head and supervisor will be responsible for the safety of employees and protection of human resources in his/her department as well as the necessary repair and maintenance of facilities and equipment in his/ her area of responsibility; and,
- WHEREAS,** each municipal employee will be responsible for his/her own personal safety and for the protection of assigned equipment or facilities; and,
- WHEREAS,** the City of Orangeburg, South Carolina, including the Department of Public Utilities is committed to doing all in its authority and responsibility to ensure its Loss Control Management Program is a success and expects the City Administrator, Manager of Department of Public Utilities, Department Heads and municipal employees to assist in this endeavor by contributing effort and expertise.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Members of City Council this sixteenth day of August 2011, in Orangeburg, South Carolina.



ATTEST: City Clerk
Carroll Johnson

Paul H. Haire
Mayor
Richard F. Haire
Charles B. Brown
L. Zimmerman
Richard F. Haire

Members of Council

CITY COUNCIL MINUTES
August 16, 2011

Orangeburg City Council held two (2) Public Hearings on Tuesday, August 16, 2011, at 7:00 P.M., in the Council Chambers Building with Mayor Miller presiding.

Public Hearing # 1 was held on raising revenue and adopting a budget for the City of Orangeburg, SC, for the Fiscal Year beginning October 1, 2011, and ending September 30, 2012. No one from the public addressed City Council during the Public Haring.

City Administrator John Yow addressed Council, "I am going to highlight some of the items of this budget since it is a Public Hearing. As you know, you are required by state law to adopt a balanced budget. The total for revenues and expenditures equal \$17,644,427 and this includes all operational and capital. This does not include the Hospitality Fund or County Capital Projects Fund or any other small funds, i.e., drug fund. This does include \$1.2 million in projected grants. If we do not get the grants, we will not spend the corresponding expenditures. There is no property tax increase in this budget. It is currently at 87 mills. Council has a good track record in holding the line on millage. Beginning this year, we can bank millage up to three years for use in future millage setting. There is no business license rate increase. However, we will be bringing back an ordinance to amend the penalties to increase the penalty rate for those that don't pay in a timely fashion or do not pay at all. There is no fire contract increase, no residential sanitation rate increase, and there is no commercial sanitation rate increase, but for those that pay less than \$11.00 their minimum rate will be \$11.00. There is no recreational resident fee increase. There is a change in the building permit fee schedule increasing some mobile home fees and other nominal fees. Franchise fees remain unchanged also. Expenditure highlights include maintaining the level of services now. As you know, we have cut several positions in the past and have not added any new positions or added the cut positions back. There are no furloughs or layoffs in this budget and there is a 2% cost-of-living increase, but this will not apply to any working retirees. There is a merit for approximately 15% of total employees. We have held the operational line for several years except for insurance related costs and fuel costs."

Councilmember Barnwell asked, "What about the employee gift cards?"

City Administrator Yow replied, "Yes, the gift cards are built in the amended budget as I stated at the previous meeting and from the feedback I have gotten, employees are very appreciative; in fact, one department signed a thank you card for all of Council."

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

Public Hearing #2 was held on adopting a budget for the operations of the Department of Public Utilities of the City of Orangeburg, SC, for Fiscal Year beginning October 1, 2011, and ending September 30, 2012. No one from the public addressed City Council during the Public Hearing.

DPU Manager, Tommy Miller addressed Council. He stated, "On August 9, 2011, a proposed budget was presented and has not changed. We anticipate no change in water, wastewater, electric or gas rates with revenues totaling \$105,717,972. Expenditures total \$92,326,118 leaving a net profit of \$13,392,854 or a 5.9% return on equity. Capital projects include electric, a carry over pre-approved in the Electric Division and in the Water Division totaling \$3,600,000.00."

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

Council entered in to the regularly scheduled City Council Meeting.

PRESENT:

Paul A. Miller, Mayor
Bernard Haire
Charles B. Barnwell, Jr.
Charles W. Jernigan
L. Zimmerman Keitt
Richard F. Stroman

ABSENT:

Sandra P. Knotts

A motion was made by Councilmember Keitt, seconded by Councilmember Barnwell, to approve the August 16, 2011, City Council 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 as made by Councilmember Jernigan, seconded by Councilmember Stroman, to approve the Third Reading of an Ordinance to amend Section 24.4.1, District Boundaries and Maps of the City of Orangeburg Code of Ordinances and the City's Zoning Map for property located at 1530 Amelia Street, Tax Map # 0173-13-13-002.000. This was a 4-2 vote as Mayor Pro Tem Haire and Councilmember Barnwell opposed.

City Administrator Yow addressed Council in regards to the Amended Budget for Fiscal Year 2010-11. He stated, "We anticipate revenues exceeding expenditures of approximately \$375,000 and it should also be noted that partially due to the economic conditions, Hillcrest and the Airport are both operating in the red and are not self-sustaining."

A motion was made by Councilmember Keitt, seconded by Mayor Pro Tem Haire, to approve the Second Reading of an Ordinance to amend the Budget for the City of Orangeburg, SC. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the Second Reading of an Ordinance to raise revenue and adopt a Budget for the City of Orangeburg, SC, for the Fiscal Year beginning October 1, 2011, and ending September 30, 2012. This motion was unanimously approved.

Mayor Miller recused himself from item #5, Second Reading of an Ordinance authorizing the reimbursement of expenses incurred by the Mayor of the City of Orangeburg in the performance of his official duties. A recusal statement (attached) was given to the City Clerk as a matter of record. This item was turned over to Mayor Pro Tem Haire.

A motion was made by Councilmember Barnwell, seconded by Councilmember Keitt, to approve the Second Reading of an Ordinance authorizing the reimbursement of expenses incurred by the Mayor of the City of Orangeburg in the performance of his official duties. This was a 5-0 vote as Mayor Miller did not vote.

A motion was made by Councilmember Jernigan, seconded by Councilmember Stroman, to approve a Resolution adopting the City/DPU Safety Program. This motion was unanimously approved.

2140

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A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the following reappointments and appointment to the City Grievance Committee. This motion was unanimously approved. This is a three (3) year term expiring June, 2015.

Duane Tarrant/Finance-----Reappointment
Clatus Griddle/Hillcrest----Reappointment
Victor Cordon/DPS-----Appointment
Tripp Miller/Finance-----Reappointment

A motion was made by Councilmember Keitt, seconded by Councilmember Barnwell, to approve the following reappointments to the Construction Board of Adjustments and Appeals. This motion was unanimously approved. This is a four (4) year term expiring July, 2014.

Marion Mack
Kevin Bair
Edgar McGee

A motion was made by Councilmember Stroman, seconded by Councilmember Keitt, to approve following reappointments to the Hillcrest Commission. This motion was unanimously approved. This is a three (3) year term expiring July, 2014.

Randy Shuler
Lee Harter
Marion Moore
Lynette Rhoad

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Keitt, to approve the Second Reading of an Ordinance to adopt a budget for the operation of the Department of Public Utilities of the City of Orangeburg, SC, for Fiscal Year beginning October 1, 2011, and ending September 30, 2012. This motion was unanimously approved.

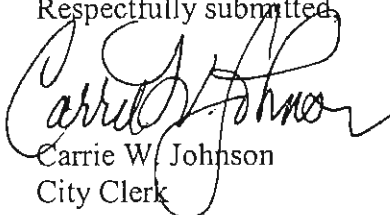
A moment of Personal Privilege was given to Councilmember Keitt.

Councilmember Keitt stated, "I would like to go on record and ask Council to go on record, to encourage our schools, parents, ministers, children and faculty to do the best they can this year. Let them know we care about them and we encourage them to do well and we are all interested in what they are doing."

A motion was made by Councilmember Keitt, 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 MINUTES
SPECIAL SESSION - AUGUST 9, 2011

Orangeburg City Council held a Special Session Meeting on Tuesday, August 9, 2011, at 5:30 P.M. in the Assembly Room of the Department of Public Utilities, 1016 Russell Street with Mayor Paul A. Miller presiding. Councilmember Jernigan gave an invocation. 2141

PRESENT: Paul A. Miller, Mayor
Bernard Haire, Mayor Pro Tem
Charles B. Barnwell
Charles W. Jernigan
L. Zimmerman Keitt
Sandra P. Knotts
Richard F. Stroman

Mayor Miller opened the meeting by welcoming everyone to the Special City Council Meeting at the Department of Public Utilities.

The meeting was then turned over to O. Thomas (Tommy) Miller, Manager of the Department of Public Utilities.

Summary of Budget Presentation
Manager Tommy Miller to Mayor and Council

Manager Miller started the meeting by thanking the Mayor and Councilmembers for taking time from their busy schedule to attend this special meeting and allowing him and his Department Heads to present this proposed budget for the City of Orangeburg's Department of Public Utilities for Fiscal Year 2011-2012.

Manager Miller also thanked the Mayor and Councilmembers for the "gift cards". He said they could not have come at a more perfect time. He stated that a number of employees had approached him in the last couple of days and that he even had one or two to call him over the weekend and say that they used it for back-to-school purposes (the no-tax weekend) was perfect timing. He stated the problem was that the employees were thanking him when they should have been thanking all of you. So, on behalf of all DPU employees, I want to say "thank you" for thinking of them.

Manager Miller continued with the meeting stating he was pleased to present a proposed budget for the City of Orangeburg's Department of Public Utilities for Fiscal Year 2011-2012. The proposed budget has an income of \$105,717,972 with expenses of \$92,326,118 for a net profit before the transfer of \$13,391,854. He stated this represents a 5.9% equity for the citizens of the City of Orangeburg. He continued stating that this proposed budget reflects the cost of purchased power per our electric supply contract with South Carolina Electric & Gas Company which takes effect January 1, 2012. This proposed budget also forecasts the cost of the market purchased natural gas to remain relatively stable. This budget also forecasts that the costs of providing water and wastewater services will continue to increase. Many of our commodities, government regulations, and labor are expected to rise and add to the cost of doing business, all of which is incorporated in this proposed budget. The Department anticipates these costs to be offset by stable sales in the Electric and Gas Divisions, while also forecasting slight increases in the Water and Wastewater Divisions. These budget numbers predict the following changes in each Division:

Electric Division – In the Electric Division, we are predicting sales to remain consistent with last year's sales. Due to the SCE&G negotiated contract, the cost of electric power should remain relatively stable, but the cost of fuel is something that we can't control. As you know, fuel cost is a cost that we incur from our supplier and it is a direct pass-through to our customers, so the net effect of fuel cost on the Department is actually zero. Unfortunately it has a significant impact on our customers. We are constantly asking our supplier (SCE&G) to minimize their fuel cost. This is a concern that we continue to monitor very closely. He stated the good news in the Electric Division is we do not recommend any changes in our electric rates in this upcoming fiscal year.

Gas Division – In the Gas Division we are also predicting the sales will remain relatively stable. We are anticipating that the market cost of natural gas will be stable due to the continued and growing production of shale gas. We are continuing to purchase all our gas requirements off the open market. We believe that we have achieved substantial savings for our customers by diligent purchase and load control measures. We also transport gas for four (4) of our large industrial customers. This service has proven to work well for these customers and for the Department. As in the

Electric Division, we do not recommend any changes in the natural gas rates for this year.

Water Division – The Department is predicting a slight increase (7.7%) in sales in the Water Division due to increased sales in all categories, but primarily in the industrial sector. As with everything else, the cost of operating and maintaining our water system continues to rise. The rapidly increasing costs are primarily due to increases in fuel costs, chemical costs, depreciation costs and of course regulatory changes. As you remember, last year you approved a rate increase in the Water Division which has worked very well for the Water Division. It has greatly provided additional monies to operate the water system. Because of that, we do not recommend any rate changes in the Water Division in this upcoming fiscal year.

Wastewater Division – In the Wastewater Division we are predicting a slight increase (11.8%) in sales spread across all customer categories but again primarily in the industrial sales. As in the Water Division, the cost of wastewater operations continues to increase. This higher than normal increase is largely due to the aging infrastructure of the Wastewater Plant. Improvements and upgrades to our wastewater treatment plant is something that we have to face in the next 2 or 3 years. Some upgrades to the lab have been done, but the plant itself is due upgrades. This is something that we are going to look at in the next 2 or 3 years. As in the other Divisions, we do not recommend any changes in our wastewater rates at this time.

Manager Miller stated in summary the proposed spending on capital projects in Fiscal Year 2011-2012 is \$3,600,012, which is a modest decrease in capital spending from last year.

Manager Miller stated there is one (1) new proposed capital project and one (1) pre-approved carry-over project for the Electric Division and one (1) new proposed project for the Water Division. There are no new capital projects for the Administrative, Gas and Wastewater Divisions.

This is a sound and responsible budget proposal that does not anticipate any rate increases but allows for a 2% cost of living for our employees and allows us to complete the proposed capital projects.

There are three (3) obligations that the Department strives to always meet:

1. Provide our customers with the best possible service at the lowest possible rates.
2. Provide the City of Orangeburg with a reasonable return on its investment.
3. Continue to maintain and invest in our utility infrastructure to meet the challenges of the future.

This proposed budget will provide the Department with the resources necessary to continue to meet these obligations.

Manager Miller expressed that this concludes his portion of the budget presentation. He stated that he would address any questions.

Mayor Pro Tem Haire: When you talk about significant impact in the Electric Division to our customers – can you give me an idea of what you mean by significant impact?

Manager Miller: I don't know if I have the exact percentage, but I know that obviously each time SCE&G is running their nuclear plant, the cost of electricity is relatively low, unfortunately the nuclear plants have to be shut down from time to time to be refueled. The refueling, Mr. Haire, would normally take a couple of weeks. Just recently, I say about a month ago they spent four (4) weeks refueling. I don't know exactly what they did, but my guess is they got in there and found some additional things that needed to be done, so it took a longer time to refuel. While this was going on, they are burning coal, which is expensive and they are burning natural gas, which is relatively cheap, but still expensive to generate electricity with as compared with nuclear power. I want to say that last month it was \$600,000 in additional fuel cost. Manager Miller asked Director Bagwell if this was correct. Director Bagwell stated we had to pay approximately 5 mills extra for fuel. This is something that we have to add into our electric calculations and pass on to the customer.

Mayor Pro Tem Haire: Are the nuclear generators up and running now?

Manager Miller: Yes Sir. The nuclear generators are up and running and we hope they stay up.

Mayor Pro Tem Haire: OK. Then if that be the case we have passed through those costs to the customers already? Why?

Manager Miller: Actually it is occurring now. Because there is a delay between the time when we are billed from SCE&G and when we can bill our customers.

Mayor Pro Tem Haire: Are the customers looking at about four (4) months of additional increase.

2143

Manager Miller: For the next several months. Manager Miller asked Electric Division Director John Bagwell if that is what he expects.

Director Bagwell: It will depend on the number of kilowatt hours sold Mr. Haire. If it continues to be very hot and the number of kilowatt hours sold are above what we predicted the cash coming in will off-set that fuel deficiency cost we have, then it could be as little as two months to as much as four (4) months.

Mayor Pro Tem Haire: I remember sometime ago when we got into this, that we had to estimate or tell how much we are going to use.

Director Bagwell: We still do that.

Mayor Pro Tem Haire: So are we being penalized because we underestimated the hot weather we have had?

Director Bagwell: No Sir. We estimated this year that we would reach 185 megawatts, that is what we told SCE&G, and so far we have reached 182.7, so we are very close to our forecasted peak. We usually peak somewhere between now and the end of August. So we are looking good on that.

Mayor Pro Tem Haire: With the Wastewater, I think you were saying that we have some construction that we need to do and you said that we have done upgrades in the lab and that sort of thing. When will we possibly know what the impact or how much that is going to cost? Do you have an idea when that assessment will be made?

Manager Miller: We have an engineering group that is looking at it now, Mr. Haire. Just recently they gave me some preliminary cost numbers and quite frankly they were pretty frightening, so I sent them back to the drawing board. It was very expensive. What we have them doing now is going back and looking at it and developing some type of schedule that we can accomplish this over some period of time to spread these costs out so that it will not have such a tremendous impact on us. The Wastewater Plant is a 9-million gallon per day plant, normally running 6-7 million gallons, so we have some liquid capacity in the plant. It is the BOD rating that is starting to reach max. The plant is designed for a 200 BOD rating and sometimes it runs around 190 and there are times that it runs around 195. This is something that we don't have to work on tomorrow, but in the next couple of years it is an issue that we are going to have to deal with. We are aware of that and we are working on trying to come up with a plan now to solve that problem.

Councilmember Jernigan: John, how does this affect our generation of electricity ourselves, in other words, at what point does it start how much we generate our electricity ourselves or do we generate electricity ourselves?

Director Bagwell: Mr. Jernigan, we still generate per our contract with SCE&G. SCE&G dispatches our units when they want us to run. They only dispatch us when it is economical for us to run instead of them. If the cost of gas or the cost of running their generators is more than the cost of us running ours, they will call on us to run our generators. This is how we have been doing it for the last seven or eight years and it has worked very well. We have been called maybe a half dozen times this year to run our units and they have performed flawlessly each time.

Councilmember Jernigan: When they call on us to generate electricity is this helping to keep the price down?

Director Bagwell: It keeps the price stable. If we were not running, then possibly the fuel charge that they would charge us would be a higher fuel charge.

Councilmember Jernigan: So, when we generate, we keep the price stable.

Director Bagwell: We do try to predict throughout the year what the fuel cost is going to be, but with unfortunate circumstances, like Manager Miller said earlier with the nuclear plant staying down another couple of weeks outside its window and it being out during the month of June (that was the month it was out in and it was 90 degree plus weather did not help a lot). Coal now is about 4-1/2 cents per kwh. That is what it cost for coal to generate a kilowatt hour of electricity. It is very expensive. Coal is not the cheap commodity that it once was.

Councilmember Jernigan: So, we do not have a lot of control of when they are going to shut the nuclear plants down.

Director Bagwell: Mr. Jernigan, they shut the nuclear plant down every eighteen (18) months. It is a refueling cycle.

2144

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

ADMINISTRATION DIVISION PROJECT

Administrative Division Director Michael G. Sells stated the Administrative Division has no new proposed projects for Fiscal Year 2011-2012. He explained the Department intends to complete a previously approved project this year which is the Administration Communications Improvements. This is a courtesy update of this project.

He advised the project will be completed the very last days of this fiscal year. Bids were received several months ago and AT&T won the bid with a CISCO telephone system. The equipment has already been purchased by AT&T and delivered. The new and old systems will run parallel for approximately one week and is designed to provide 21st Century benefits and allow redundant protection at the Department.

ELECTRIC DIVISION PROJECTS

Project #1 - New Substation #25 (Previously Approved – Continuing Project)

Total Project Cost:	\$2,614,000
Expenditures to Date:	\$ 25,000
Estimated 2009-2010 Cost:	\$2,000,000

Electric Division Director John B. Bagwell presented Project #1 – New Substation #25. This is a continuation of an approve/ongoing project from last year.

Director Bagwell informed Council that after reviewing last year's proposed substation location for this project, we found a more suitable parcel of property to locate the substation. Some of the advantages are: (1) it will be less expensive for us to connect our 115,000 volt line (2) it will allow us relaying on the electric side more easily (3) it does not tie up the existing city property for any future development (4) it will allow distribution circuits easier access to Sprinkle Avenue, which will save money and we will not have to obtain any right-of-ways from existing land owners that we would have had to obtain with the other location. The Department is going to take a portion of this property and make it an access road for the ingress and egress to city owned property which will allow trucks or whatever when the property is developed in the future, to access new businesses that might be in that area.

This project estimate is the same as last year \$2,614,000 of which only \$25,000 has been spent to date on professional services. We estimate spending \$2,000,000 during the 2011-2012 Fiscal Year.

Mayor Miller: John, from the kv line do we own all that property through there?

Director Bagwell: No – Director Bagwell showed the Mayor on the slide presentation what we own.

Mayor Miller: What about the proposed site location? Do we own this property?

Director Bagwell: No – We do not own this property as of yet. We have been negotiating with the property owners.

Mayor Miller: Do we own the property between "the green box" and the Operations Center?

Director Bagwell: No – There are homes located in this area and we did not want to relocate anybody. We thought that was important. There are no homes located or occupied on the piece of property we are proposing.

Mayor Pro Tem: How many residents are located in that area?

Director Bagwell: I would say about a dozen homes in that area.

Mayor Pro Tem: Was there any site preparation done to the old site?

Director Bagwell: No

Mayor Miller: It was just marked off and proposed?

Director Bagwell: Yes

Mayor Miller: What was the acreage on that substation site?

Director Bagwell: About two (2) acres.

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Councilmember Keitt: Does the owner sound like he will sell?

Director Bagwell: Yes – He has already been contacted and we are negotiating a price.

Mayor Miller: That is included in this \$2-million?

Director Bagwell: Yes – It is.

Project #2 - Advanced Metering Infrastructure (AMI)

Total Project Cost: \$2,025,000

Expenditures to Date: \$ 0

Estimated 2011-2012 Cost: \$1,000,000

Electric Division Director John B. Bagwell presented Project #2 – Advanced Metering Infrastructure (AMI). This is a new proposed project.

Director Bagwell started his presentation by explaining a slide that was shown to Council. The slide showed electric, water and gas meters. He further explained that this is known as a neighborhood area network (NAN). These meters will talk to each other and report back via this NAN to the collectors. The collectors are located in the Departments substations, on top of water tanks and on top of tall poles that we may own. They will gather information from this “cloud” of electric meters. This “cloud” of electric meters could be anywhere from 500 to 10,000 meters, depending on the vendor we go with. They will talk to these collectors and these collectors will gather all the information and will take the DPU fiber optic system, that we already have in place, and will back-haul that data into a data base of nothing but interval data that tells us how much electricity you used in 15 minutes and how much water you have used in an hour and how much gas you have used in an hour. It will then be disbursed to different software programs, such as our existing Customer Service software, ORCOM, Outage Management Software and other future software. In summary, we collect the data, we get it back to the substations, haul it back via the fiber to this data base and disburse it out so needed over the system.

He then continued to explain the introduction of “smart metering” and “smart grid” ideas that have been discussed internally at DPU for a number of years. In 2003, Black & Veatch prepared an Automatic Meter Reading (AMR) feasibility study. The study concluded DPU was too efficient and the AMR system would not save the City/DPU customers any money because it only involved meter reading. Today, with the addition of many new abilities, DPU is once again ready to assess the feasibility of introducing the “smart grid” technology to our system. The purpose of this project is multi-faceted: First: DPU will conduct an assessment of the available technologies and how they can benefit both DPU and our customers. Second: Use the assessment to determine our next step (move forward or stop). Third: If the assessment is positive prepare a Request for Proposal (RFP) for the infrastructure DPU will need. Fourth: Begin a Pilot Program (Phase – I) to internally test the compatibility and functionality with current systems DPU now has in place. This pilot may take up to 12-months. Fifth: Continue the build out of DPU for full deployment.

Advanced Metering Infrastructure or AMI systems are comprised of state-of-the-art electronic, digital hardware and specialized software which combine meter interval data into detailed time-based customer usage information. During the last decade capital costs associated with installing the AMI systems have declined more than 30% according to Electric Power Research Institute (EPRI). The decline in costs and new abilities of the AMI systems are two main reasons in our desire to re-assess DPU's current position with AMI.

As DPU continues to use advanced technologies to provide our customers with excellent customer support and low rates, the advances in AMI have opened the door for many new service and operation benefits. Advances on the operational side include reduction in meter reads and associated management and administrative support, increased meter reading accuracy, improved utility asset management, easier theft detection, outage management, and voltage control. Customer Service benefits include early detection of meter failures, billing accuracy improvements, faster service

restoration, flexible billing cycles, prepay service, time of use rates for all customer classes, and creating energy profiles for targeting energy efficiency programs. One must also take into consideration the financial benefits of the AMI systems. They include reduced equipment and equipment maintenance costs, reduced support costs, faster restoration and shorter outages, improved inventory management, and improved collections.

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Installing and integrating an AMI System into DPU's current software and hardware will be a formidable challenge to everyone involved. The AMI System will impact every facet of DPU. Because of the complexity of the AMI System, DPU plans to break the project into two (2) major parts. Part one is the Pilot Phase (Phase – I). It will consist of purchasing both software and hardware that will coordinate with the current DPU system. The primary piece of software needed is a data collection program called Meter Data Management (MDM). This program will connect to each of DPU's current software systems to allow a seamless flow of data between them. Other smaller software programs are pre-pay software and customer service software. The pre-pay software will allow DPU to reinitiate the pre-pay program we had several years ago. The customer service software will help aid our customer service representatives and intra-department staff in solving billing issues, consumption issues, day-to-day connects and reconnects and theft. In the technical arena, problems such as water leaks and voltage complaints, outage problems, and meter failures may be determined and corrected without a trip to the meter location. The hardware will consist of communication and metering. The communication hardware will vary depending on the system. The metering hardware will consist of electric, gas and water meters. Each of the meters will have a radio or other means of communication to enable them to report their consumption. DPU will use its extensive fiber backbone to accomplish the connection between a meter data collector and the main office. Using our fiber system will be very cost effective because the most expensive part of the communication system is the backhaul of the large mass of data to the office. Our fiber is designed for just such a need.

The second part of the project will begin approximately two (2) years after the pilot (Phase – I). Phase – II will consist of the full deployment of meters in the Electric, Gas and Water systems. Phase – II is also the most expensive phase. Replacing 60,000 meters across the service territory will cost several million dollars. The meter replacement will also take a number of years to complete. The estimated time and cost of this part of the project is still under development and will be presented to Council at a later date.

Councilmember Keitt: Will this new electric metering system eliminate any workers?

Director Bagwell: No – DPU plans on reassigning some of the workers that we have to other Departments and there will also be some workers needed for this new system. It will have to have technicians, supervisors and others. No one will lose their jobs.

Councilmember Keitt: And no increase in cost to the customer?

Director Bagwell: No increase in cost to the customer.

Mayor Pro Tem Haire: Will we be opening ourselves up to a greater vulnerability as it relates to hacking?

Director Bagwell: Mr. Haire, the system will adhere to all the rules that the Federal Regulatory Commission has come up with for cyber security. No, I do not feel we will open ourselves up for hacking. The metering will still do its job sitting there, you can go out and read it manually. The meter will just have a radio in it that will transmit the data back to us and all those radio systems will be proprietary and encrypted.

Councilmember Keitt: In fact with the new advanced meter it should help customers because you are going to be able to detect leaking faster, etc., so it should be able to help the customers.

Director Bagwell: Yes – And we will be able to guide customers when they call in and complain they have not used as much as they say they have, we will be able to point out when they did use it and help them understand why they used it so the next time it happens they won't do it that way.

Councilmember Jernigan: Does anybody else in the state have a system like this?

Director Bagwell: Rockhill is installing one now.

Councilmember Jernigan: That is the only one in the State?

Director Bagwell: They have had some issues with the company they purchased theirs from, but they are moving along with the gas and water side, but the electric side is coming a little bit slower.

Councilmember Jernigan: How are we on the time line with them? Are we ahead or behind?

Director Bagwell: No – We are two to three years behind them. We will get better technology, because we have waited a little bit.

Mayor Pro Tem Haire: Where is this system employed?

Director Bagwell: There are hundreds of the systems over the United States.

Mayor Pro Tem Haire: This particular company?

Director Bagwell: No – Mr. Haire we have not issued any RFP or selected a vendor. We have interviewed some vendors to educate ourselves, but we have not selected a vendor. Part of this if you approve this project will be issuing an RFP and requesting a proposal to award somebody a contract. That is still several months away.

Councilmember Barnwell: Will this give us the ability to at anytime read the meter?

Director Bagwell: Yes – If you come in and complain that you have a high bill and want to know how electricity you have used, Customer Service will be able to contact your meter and tell you within three minutes how much you have used for the month.

Councilmember Jernigan: Will the homeowner have the ability to see this information for himself in his home?

Director Bagwell: This is part of the system that I did not explain in depth. The future home networking is what you are talking about. Yes, this is something that we will not do right away, but we will deploy it sometime in the future, maybe part of Phase – II or may not be a part of Phase – II. We may have to come back to you for Phase – III on this particular issue for that. This may be some of the advantages of the pre-pay side that we will have in-home displays on the pre-pay side at first, but everybody having them, that is down the road.

Councilmember Knotts: As to Phase – I, has that area been identified? Are you talking about certain customers or target areas?

Director Bagwell: Yes – It will be certain customers in particular target areas, but we will move those around in order to test the whole communication system. We have a communication system that will blanket just about 400 square miles that DPU covers so we are going to purchase about 1,000 meters, that is what the plan is, a 1,000 electric and some water and gas meters and we will put them out in an area and check them and make sure they are working good and then we will move them to another area and check them, etc. during that Pilot Phase (Phase – I).

Councilmember Knotts: And you said that you would move the electric, gas and water?

Director Bagwell: We will definitely move the electric and gas. Water will be a little more difficult to move, but we will move some, just because of the complexity of changing the water meter out and the cost. It cost about \$100 to change the water meter, so we do not want to change too many.

Mayor Pro Tem Haire: Does this complete your report?

Director Bagwell: Yes.

Mayor Pro Tem Haire: I want to ask something not related to this project. I have noticed DPU employees putting up some type of "black looking tag" on utility poles. What is that?

Director Bagwell: What we are doing is going around and tagging the poles with an RFID tag (Radio Frequency Identification Tag). We have developed a program in-house where we take an RFID hand-held type of computer and we scan the tag. When it scans the tag it is looking in the data base of poles that we have in the device and displays that certain pole. It then knows what is on that pole and we inspect that pole and we check it – is the pole rotten, is the transformer leaning, is there a ground wire missing, we check for all that and that is what we are doing with those little black tags to help us maintain our distribution system at a higher level that we have ever been able to maintain. We developed that program in-house.

Councilmember Keitt: And in that way, you are saving some money.

Director Bagwell: Yes

Councilmember Barnwell: Will it show street lights out?

Director Bagwell: No

Mayor Miller: We do need a better system on street lights. I probably get more calls about burned out lights. It is my understanding that Public Safety is reporting street lights that are out to DPU.

Director Bagwell: I got a report three weeks ago from Public Safety stating the lights that were out. What really helps us is to get citizens to call and give us that light number that is on the pole. That is a big help.

GAS DIVISION PROJECTS

No New Proposed Projects

WATER DIVISION PROJECTS

Project #1 - Water Distribution System Improvements

Total Project Cost:	\$ 600,012
Expenditures to Date:	\$ 0
Estimated 2011-2012 Cost:	\$ 600,012

Water Division Director Eric Odom presented Project #1 – Water Distribution System Improvements. This is a new proposed project.

He stated the two primary objectives of this project are to improve finished water quality in the distribution system and to reduce the current volume of water flushed in the distribution system to maintain water quality.

Presently the Department has 13 permanent and 2 portable flush stations in operation in the water distribution system. In 2010, these flush stations combined to flush approximately 328,000,000 gallons of water onto the ground. This equates to about \$731,425 of water from January 1, 2010 through December 30, 2010.

Flushing dead-end water mains in remote areas of the water distribution system is a necessary practice in water distribution operations to meet minimum water quality standards established by the EPA and SCDHEC. In remote areas of the system where there are few customers and little or no consumption, the water has nowhere to go and must be periodically flushed in order to turn the water over and maintain satisfactory drinking water quality.

Over the past several years, we have experienced a significant decline in water quality in some remote parts of the distribution system. Through a combination of the State Budget and Control Board matching fund grants and the Orangeburg County Penny Money, we have been very fortunate to be able to extend water service further out into rural areas. This, however, has not come without a price. With fewer customers to serve per mile, the demand necessary to keep the water moving through the pipes currently does not exist. In order to continue to meet satisfactory drinking water standards, we have had to add more and more automatic flush stations at the end of these dead-end lines to keep the water moving through the pipe. In lack of a better words, water has a shelf life like any other consumable that we have out there.

An alternative to flushing some dead-end lines is to be able to “loop” these dead-end lines and connect them with other parts of our water distribution system. By looping these dead-end lines it will provide for improved water quality while at the same time reducing the amount of water that we currently flush to meet out drinking water standards.

Most of these line extensions are fairly short line extensions that are easily able to attach to another part of the system. The first one will connect the dead-end line on Dragstrip Road up to Tecza Drive. The second one will tie in Old Elloree Road and Whitford Stage Road. Currently, we have two flush stations in this area, and the reason for that is these dead-end lines by tying these two lines together we will be able to remove both flush stations and water will be provided out to this area increasing circulation in the system whereby reducing water. With one or two customers on the end of these lines the water goes down and one or two customers cannot turn the water over in that pipe. By tying the two lines together it improves circulation and adds more access for other customers can get to the water as well. Till Road is the same thing, two dead-end lines. The other one is on Highway 301, the end of our line, tying back to the end of the line on Homestead Road and also in Cameron on Winding Brooke Road tying it back to Highway 33. By constructing these water line extensions and eliminating these dead-end lines we anticipate a cost savings of approximately \$297,000 annually due to a reduction in flushing cost, but at the same time reducing our water age in the system by about 30%. This equates to about 41% reduction in our annual flushing

cost, we will also realize improved fire flows and residual pressures in these areas as well as providing a greater degree of reliability to the customers in these areas.

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WASTEWATER DIVISION PROJECTS

No New Proposed Projects

This Completed the Presentation of Proposed Projects

Councilmember Barnwell: Tommy, you said that the net profit for last year was how much?

Manager Miller: For this year it is \$13,391,854, but that is before the transfer.

Councilmember Barnwell: I would like to thank you and the Managers. I embrace your great efficiency and outstanding job.

Councilmember Jernigan: I would like to echo Mr. Barnwell's statement and thank all the staff for doing an excellent job and for you Tommy for heading up this organization. I think we have a good team going here.

Councilmember Stroman: I want to say thank you also.

Mayor Miller presided over the First Reading of Ordinance No. 2011-8 to Adopt a Budget for the Operation of the Department of Public Utilities for the City of Orangeburg for Fiscal Year October 1, 2011 through September 30, 2012.

A motion was made by Councilmember Keitt, seconded by Councilmember Stroman, to accept the First Reading of an Ordinance to Adopt the 2011-2012 Annual Budget for the Department of Public Utilities for the City of Orangeburg. The motion was approved unanimously.

Mayor Miller thanked Tommy and all the Department Heads for their support. He stated that the second reading of this Ordinance will be at the next Council Meeting and there will also be a Public Hearing. He asked for a motion to adjourn if there was no further business.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember 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 Meeting September 6, 2011

Orangeburg City Council held its regularly scheduled meeting on September 6, 2011, at 7:00 P.M., in the Council Chambers Building with Mayor Miller presiding.

PRESENT:

Paul A. Miller

Charles B. Barnwell, Jr.

Bernard Haire

Charles W. Jernigan

L. Zimmerman Keitt

Sandra P. Knotts

Richard F. Stroman

A motion was made by Councilmember Jernigan, seconded by Councilmember Keitt, to approve the August 9, 2011, Special City Council Minutes as distributed. This motion was unanimously approved.

A motion was made by Councilmember Barnwell, seconded by Councilmember Stroman, to approve the August 16, 2011, City Council Minutes as distributed. This was a 6-0 vote as Councilmember Knotts abstained.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the Third Reading of an Ordinance to amend the Budget for the City of Orangeburg, SC, for the FY beginning October 1, 2010 and ending September 30, 2011. This motion was unanimously approved.

A motion was made by Councilmember Keitt, 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 FY beginning October 1, 2011 and ending September 30, 2012. This motion was unanimously approved.

Mayor Pro Tem Haire presented the Ordinance pertaining to the reimbursement of expenses incurred by the Mayor of the City of Orangeburg in the performance of his duties. Mayor Miller recused himself from discussion.

A motion was made by Councilmember Jernigan, seconded by Councilmember Stroman, to approve the Third Reading of an Ordinance authorizing the reimbursement of expenses incurred by the Mayor of the City of Orangeburg in the performance of his official duties. This was a 6-0 vote as Mayor Miller recused himself from voting..

Department of Public Safety Director, Wendell Davis, accepted the September, 2011, Character Trait Proclamation "Sportsmanship".

A motion was made by Councilmember Knotts, seconded by Councilmember Barnwell, to appoint Mr. Tonzel E. Shuler, District #6, to the Aviation Commission to complete an unexpired term ending January 2012. This motion was unanimously approved.

Assistant City Administrator John Singh addressed Council. He stated, "I am excited to again present the Way Finding Signage Project to you tonight. I recommend, based on the request for proposal and the bids, that Sign-A-Rama, Orangeburg, SC, be awarded the project in the amount of \$30,937.98. There is a sample sign in the City Hall courtyard and in your package is additional information."

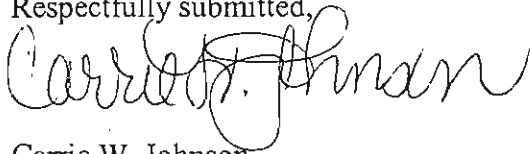
A motion was made by Councilmember Keitt, seconded by Councilmember Barnwell, to approve the purchase of the Way Finding Signage Project. This motion was unanimously approved.

A motion was made by Councilmember Keitt, seconded by Councilmember Barnwell, to approve the Third Reading of an Ordinance to adopt a Budget for the operation of the Department of Public Utilities of the City of Orangeburg, SC, for FY beginning October 1, 2011, and ending September 30, 2012. This motion was unanimously approved. 2151

A motion was made by Councilmember Stroman, seconded by Councilmember Barnwell, to enter into an Executive Session for a legal/contractual matter concerning Project Innovation and a legal matter concerning funding request from an outside agency (Project Life: Positeen). This was a 6-0-1 vote as Councilmember Keitt abstained. Also, Councilmember Keitt did not participate in the Executive Session on the funding request matter.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson
City Clerk

/pfb



CITY COUNCIL MINUTES
September 20, 2011

Orangeburg City Council held its regularly scheduled meeting on September 20, 2011, at 7:00 P.M., in the Council Chambers Building with Mayor Miller presiding.

PRESENT:

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

A motion was made by Councilmember Keitt, seconded by Mayor Pro Tem Haire, to approve the September 6, 2011, City Council Minutes as distributed. This motion was unanimously approved.

Dr. David Hutto, Chairman of the Downtown Orangeburg Revitalization Association addressed Council. He thanked them for their support and wanted them to be aware of the upcoming "End of the Summer Blast" next Tuesday, September 27, 2011, from 6:00 to 9:00 P.M., in the Edisto Memorial Gardens at the Centennial Park. He stated, "Men of Distinction, a local band, will be playing and DORA will be selling soft drinks and popcorn." Address is free.

Mr. Adrian Scott, Chairman of Project Life Positeen, addressed Council in regards to a funding request. He stated, "Tonight, I want to start out by thanking you because the City made an initial investment twenty years ago by allowing them to use the City Gym to start their tutorial program. Tonight, we brought some of the students from Project Life Positeen program and tonight I come before you to ask you to make another investment. An investment of \$7,000 a year would help support their programs. Some of the highlights we have this year is that we produced four out of the top five students at Orangeburg-Wilkinson High School. We are currently leading an obesity program at Orangeburg-Calhoun Technical College. We also started a Palmetto Mentoring Networking Program with the involvement of law enforcement, DPU, ministers, lay persons, doctors and lawyers. Project Life Positeen is a community partner as we partner with the County of Orangeburg, United Way, Central Carolina Community Foundation, DJJ, South Carolina State University, Claflin University Albemarle, and Orangeburg-Calhoun Technical College. Tonight, I just ask the City to become one of those partners and make an investment in the future of our children."

Councilmember Jernigan asked, "That would be \$7,000 per year for how long?"

Chairman Scott replied, "We have been part of the County's budget for the last seven years, that is basically to continue to operate the program. They are an in-kind donor allowing us to use a building rent free."

Councilmember Jernigan asked, "What would this money be used for?"

Chairman Scott replied, "To continue to enhance the services of Project Life Positeen. We are looking to improve the programs in the City"

Councilmember Jernigan asked, "There is not a specific use for this money?"

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Chairman Scott replied, "Tutorial services, which is our biggest and also parenting classes."

Councilmember Knotts asked, "Since you have worked with DJJ, do you have any statistics on how much it costs to send a person to DJJ for the City or the County?"

Chairman Scott replied, "It is \$1,200 per week or \$62,400.00 per year"

Councilmembers Jernigan asked, "What is your annual budget?"

Chairman Scott replied, "It is \$54,000."

Councilmember Barnwell asked, "How many paid employees do you have?"

Chairman Scott replied, "We have one paid employee and other student workers are paid through federal programs and through work study with SC State University and Claflin University."

Councilmember Barnwell stated, "Project Life Positeen is an organization that was founded by Ms. L. Zimmerman Keitt and she looks over this organization now. It is a wonderful organization based on the statistics given. The only concern I have, several years ago, we gave funds to three organizations and thereafter over the next many meetings, we were bombarded with many requests including one from Project Life Positeen wanting money from the City. To quote Mrs. Knotts, we are opening Pandora's Box. I am afraid we will have the same thing. This request is ethical, no question about it. It is my understanding that Council should not give money to an organization to someone who does not serve all citizens of the City of Orangeburg."

Councilmember Stroman asked, "How many people are served in the City?"

Chairman Scott stated, "Over five-hundred."

Councilmember Barnwell asked, "Those are people that live in the City?"

Chairman Scott replied, "More than half live in the City."

Councilmember Knotts made a motion that the City fund Project Life Positeen for one year in the amount of \$7,000. The motion was seconded by Councilmember Stroman.

Councilmember Knotts stated, "I know in the past, I did mention once that if you start funding outside agencies, you in a sense open Pandora's Box. Since then, the economy wasn't the way it is and the need wasn't what it is today. The need of almost every entity, whether we serve as the city, county or nation is in need, whether it be children or adults. In listening to the news the other day, it mentioned children in poverty. If a child is hungry, he or she will not grow, not be productive academically or become a productive citizen. It is my feeling that if we can save one child at the age these children are right now, then we won't have to worry about the system getting them later on. By that, I know a lot of young people are a product of their environment. If we can teach them and educate them, as an educator, I think we need to do all we can do, so that it won't come back to haunt us later. I have had a change of heart as it relates to opening Pandora's Box. I think if the City sets up some guidelines and specifications on who we serve and how, we won't have to worry about this revolving door."

Councilmember Barnwell asked, "Attorney Walsh, if we do fund any amount to any organization, we have to maintain an oversight committee to maintain these funds and who in the City would do that?"

City Attorney Walsh replied, "That is not a legal question and referred the question to City Administrator Yow."

City Administrator Yow replied, "It would depend on the level of funding. We can request their audit or financial statement and also documentation on expenses, but we wouldn't do an in-depth audit on them."

Councilmember Stroman stated, "I am conservative with people's money, you are going to pay now or pay later. I asked tonight what it would cost to send someone to DJJ and I was told it cost \$57.00 per day. I agree with Ms. Knotts, if you save one child, it is worth it."

The motion made by Councilmember Knotts and seconded by Councilmember Stroman, to fund Project Life Positeen's failed was 2-4, Mayor Pro Tem Haire, Councilmembers Barnwell, Jernigan and Mayor Miller opposed. Councilmember Keitt was recused from the vote and discussion.

Parks and Recreation Director Buster Smith updated Council on the rebuilding of the original park office and the monies that were donated to rebuild this office. He suggested that the building be named in honor of Mr. Andrew C. Dibble, Father of the Gardens. He stated that the Service Department built the cabin and the City still had to do some landscaping.

Councilmember Keitt asked, "Who paid for the City labor in rebuilding this cabin?"

Director Smith replied, "The Service Department."

A motion was made by Councilmember Stroman, seconded by Councilmember Barnwell, to name the rebuilt original park office in honor of Mr. Andrew C. Dibble, Father of the Gardens. This motion was unanimously approved.

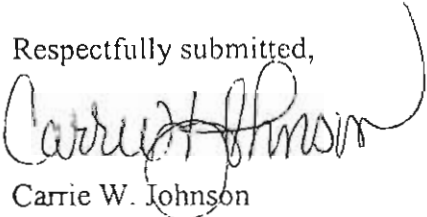
A motion was made by Councilmember Keitt, seconded by Councilmember Barnwell, to approve a SC Department of Public Safety Grant in the amount of \$39,954 for a full time officer position with salary/benefits for the investigation of criminal domestic crime. There will be a 25% match from local funds in the amount of \$13,318, which will be met with approved funding in the FY 2010-11 budget for the DCV Investigations Division. This motion was unanimously approved.

There were no utility matters brought before Council.

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

There being no further business, the meeting was adjourned.

Respectfully submitted,


Carrie W. Johnson
City Clerk

/pfb



CITY COUNCIL MINUTES
October 4, 2011

2155

Orangeburg City Council held its regularly scheduled meeting on October 4, 2011, at 7:00 P.M., in the Council Chambers Building with Mayor Miller presiding.

PRESENT:

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

ABSENT:

Bernard Haire

Mayor Miller recognized students from Orangeburg Wilkinson High School's government class and participants of Leadership Orangeburg.

City Attorney Walsh administered Oaths of Office to Councilmembers Jernigan and Knotts for City Council terms (four (4) years) ending September, 2015.

A motion was made by Councilmember Jernigan, seconded by Councilmember Knotts, to re-elect Councilmember Haire as Mayor Pro Tem. This was a 5-0-1 vote as Councilmember Keitt abstained.

A motion was made by Councilmember Keitt, seconded by Councilmember Barnwell, to approve the September 20, 2011, City Council Minutes as distributed. This motion was unanimously approved.

Ms. Mary Till from the Chamber of Commerce accepted the Character Trait Proclamation "Loyalty" for the month of October, 2011.

Assistant City Administrator Singh requested that the First Reading of an Ordinance to amend Chapter XII Building and Housing of the Code of Ordinances of the City of Orangeburg be deferred to a later meeting due to pending questions. City Council agreed to this request.

Department of Public Safety Director Davis overviewed Council on a mini-grant from the SC Department of Highway Safety in the amount of \$28,000 and notified Council that the City is the host agency for the First Judicial Law Enforcement Network.

A motion was made by Councilmember Stroman, seconded by Councilmember Jernigan, to approve City Administrator Yow to execute a SC Department of Highway Safety Mini Grant Agreement. This motion was unanimously approved.

Director Davis overviewed Council on a grant award from the SC Department of Highway Safety in the amount of \$120,585. He stated, "There is no local match and it is a 100% reimbursable grant. It will provide funding for two (2) full-time officer positions with salary and fringe benefits as well as vehicle maintenance. This grant does not include vehicles as it did a few years ago. This grant is particularly used for DUI enforcement. They work at night and target DUI's."

Councilmember Keitt asked, "Will you hire from outside or within?"

Director Davis replied, "These officers are already on board, they moved from within two years ago."

Councilmember Stroman asked, "Is DUI up or down?"

Director Davis replied, "I don't have those numbers, I think we are at a point where we are going to plateau. I know it was up last year."

Councilmember Keitt asked, "Are there any provisions as far as education going out in the community?"

Director Davis replied, "Part of the grant is public presentation, going out to civic clubs, schools and educating the public on driving under the influence."

A motion was made by Councilmember Keitt, seconded by Councilmember Stroman, to approve and authorize City Administrator Yow to execute an Office of Highway Safety Grant Agreement for a DUI Special Enforcement Team. This motion was unanimously approved.

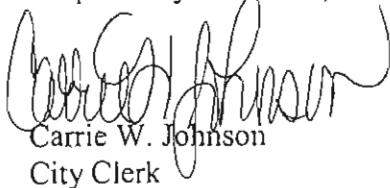
DPU Director Miller presented Councilmember Barnwell with a service pin for ten (10) years of service to the City and the Department of Public Utilities.

There were no other utility matters.

A motion as made by Councilmember Barnwell, seconded by Councilmember Knotts, to enter into an Executive Session for a personnel matter regarding the DPU Manager. This motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,


Carrie W. Johnson
City Clerk

/pfb



CITY COUNCIL MINUTES
October 18, 2011

Orangeburg City Council held its regularly scheduled meeting on October 18, 2011, at 7:00 P.M., in the Council Chambers Building with Mayor Pro Tem Haire presiding.

PRESENT:

Charles B. Barnwell, Jr.
Bernard Haire
L. Zimmerman Keitt
Sandra P. Knotts
Richard F. Stroman

ABSENT:

Paul A. Miller, Mayor
Charles W. Jernigan

City Attorney James F. Walsh administered the Oath of Office to Mayor Pro Tem Haire for City Council Member with a term (four years) ending September, 2015.

A motion was made by Councilmember Barnwell, seconded by Councilmember Keitt, to approve the October 4, 2011, City Council Minutes as distributed. This motion was unanimously approved.

Dr. David W. Hutto, President of DORA, addressed Council inviting them to the upcoming "Taste of Orangeburg" event to be held on Sunday, October 30, 2011, on the square from 12:00 P.M. until 3:30 P.M.

First Reading of an Ordinance to amend Chapter XIII, Building and Housing of the Code of Ordinances of the City of Orangeburg was postponed.

City Attorney James Walsh addressed Council. He stated, "Council may recall some months ago, we gave each of you some information on the corner of Chestnut and Goff Streets. In 1925, the land was given by William Harmon, and his wife, for the Dutton Memorial Recreation Association. When Chestnut Street was constructed and divided the lot left a little strip which separates the park. In the 1927 deed, there was a reversion clause stating that if the property fails to be used as a park, it will revert back to the county, the city or school district. The Jamison family, who owns the adjacent property, brought an action to attempt to acquire the title. The City agreed to release our interest in the remainder of the property, but we would retain the title to the property shown, on the screen above, where a welcome sign is located. An order has now been signed by the courts agreeing that the Jamison's will have title to all of the property with the exception of that strip where the city welcome sign is located. They have resurveyed this property and the point on the southern corner is where we would retain. The courts ordered that the City would retain the corner lot and we would have cross deeds from the Jamison's to the City and the City to the Jamison's. I would like to ask that you authorize City Administrator Yow to sign the deeds on behalf of the City."

Councilmember Keitt asked, "What are we asking for?"

City Attorney Walsh explained, "We are getting the deed from the Jamison's for the property at the southern corner, where the welcome sign is located, and they will be getting a deed for the remainder of the property."

A motion was made by Councilmember Keitt, seconded by Councilmember Knotts, to approve a deed with the Jamison Family stating that the City would retain the corner lot and the City have cross deeds from the Jamison's to the city and the city to the Jamison's. This motion was unanimously approved.

Public Works Director Durwood Bowden addressed Council in regards to the approval of the purchase of a front loader commercial sanitation truck. He stated, "The City generally gets about ten years of service from a front line truck and another five years as a backup truck, whereas other cities are only getting three to seven years without any major repairs. In the commercial sanitation division, we are in need of a front end loader. We have got a 2007 model, 2001 and a 1999. We need to replace the 1999 and move the 2001 in a backup role. We standardized in the past, both in residential and commercial, these particular units so we could stock parts and are familiar with the trucks. In the commercial area, it has always been a Heil Truck and a Mack Cab and Chassis and we are still having good luck with these as we have two (2) commercial trucks available every day. We would like to continue with this truck and we have gotten a proposal from the dealer for both North and South Carolina, which is Carolina Environmental Systems. The quote is for \$212,936 plus an additional \$300 in sales tax. We have also added funds to paint the truck to camouflage stains. I would recommend that City Administrator Yow approve the purchase order for Carolina Environmental Systems."

Councilmember Keitt stated, "Your workers have done a great job and we appreciate all they do."

Councilmember Stroman asked, "What type of engine is it, diesel?"

Director Bowden replied, "It has a diesel engine."

Councilmember Barnwell asked, "Is this in the budget?"

Director Bowden and City Administrator Yow replied that it was in the budget for \$225,000.00.

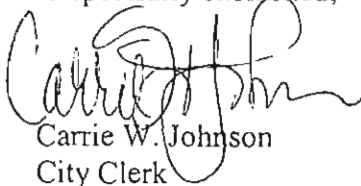
A motion was made by Councilmember Keitt, seconded by Councilmember Stroman, to approve the purchase of a front loader commercial sanitation truck in the amount of \$212,936.00. This motion was unanimously approved.

There were no utility matters brought before Council.

A motion as made by Councilmember Keitt, seconded by Councilmember Stroman, to enter into an Executive Session for a legal matter concerning Chakrabarti vs City of Orangeburg. This motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,


Carrie W. Johnson
City Clerk

/pfb



**RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDED REAL
PROPERTY AND REVENUE SHARING AGREEMENT BETWEEN THE COUNTY OF
ORANGEBURG, CITY OF ORANGEBURG AND THE ORANGEBURG COUNTY\CITY
INDUSTRIAL PARK COMMISSION**

WHEREAS, the County of Orangeburg entered into an Incentive and Inducement Agreement dated July 5, 2011, and

WHEREAS, the City of Orangeburg approved said Incentive and Inducement Agreement by Resolution dated July 12, 2011, and

WHEREAS, the said Incentive and Inducement Agreement required funding by both the County of Orangeburg and City of Orangeburg conditioned upon the receipt of additional funding from the State of South Carolina, and

WHEREAS, the approval by the City of Orangeburg was conditioned upon receiving reimbursement of its funding through a revenue stream to be produced by an industry presently known as "Project Innovation", and

WHEREAS, the County and City have now agreed upon reimbursement from the "Revenue Stream" as defined in the attached Real Property and Revenue Sharing Agreement, and

WHEREAS, the County of Orangeburg, City of Orangeburg and the Orangeburg County\City Industrial Park Commission have agreed to the above and the final terms of the manner and method of reimbursement for both the County and City which are contained in the Real Property and Revenue Sharing Agreement attached hereto as "Exhibit A".

NOW THEREFORE BE IT RESOLVED BY ORANGEBURG CITY COUNCIL DULY ASSEMBLED on the 15th day of November, 2011, that Paul A. Miller, Mayor of the City of Orangeburg is hereby authorized to enter into the Real Property and Revenue Sharing Agreement attached hereto as Exhibit "A" and made a part hereof by reference.

BE IT FURTHER RESOLVED that Paul A. Miller, Mayor of the City of Orangeburg is hereby authorized to execute any and all other documents required to comply with all contractual obligations of the City and the Orangeburg County\City Industrial Park Commission as contained in the above Incentive and Inducement Agreement dated July 5, 2011 and the Ground Lease, Non-Disturbance and Attornment Agreement and Consent to Collateral Assignment of Ground Lease and Purchase Agreement executed by the Orangeburg County\City Industrial Park on January 29, 2008.

AND IT IS SO RESOLVED.



Mayor

Members of Council

ATTEST:
City Clerk

CITY COUNCIL MINUTES NOVEMBER 1, 2011

Orangeburg City Council held its regularly scheduled meeting on November 1, 2011, at 7:00 P.M., in the Council Chambers Building with Mayor Miller presiding.

PRESENT:

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

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Keitt, to approve the October 18, 2011, City Council Minutes as distributed. This was a 5-0-2 vote as Mayor Miller and Councilmember Jernigan abstained as they were not present at the meeting.

A motion was made by Councilmember Keitt, seconded by Councilmember Barnwell, to approve the Second Reading of an Ordinance authorizing the conveyance of 6.04 acres located in Orangeburg Township, consolidated School District 5 to Annie A. Jamison in compliance with the order of the Honorable Judge O. Davie Burgdorf, Master in Equity for Orangeburg County in that certain case entitled Annie A. Jamison, Et. Al. vs. Dutton Memorial Recreation Association, Et. Al. Case 2010-CP-38-1751. The City would retain title to the property where a welcome sign is located. This motion was unanimously approved.

Chief Wendell Davis, of the Department of Public Safety, accepted the November, 2011, Character Trait Proclamation, "Virtue".

City Administrator Yow addressed Council in regards to an Airport Layout Plan Update (ALP). He stated, "The Orangeburg Municipal Airport is organizationally located under the Public Works Department and reminded Council of the need of the Airport Layout Plan to be eligible to receive grant funding from the Federal Aviation Administration (FAA). In the last twenty years, we wouldn't have been able to do the large projects we have done at the airport if it weren't for the state and the FAA. Our plan was last updated in 2005. One thing that can necessitate the need to update is when you have changes and updates to your facility, such as the new T-hangars and the relocation of hangars and the closing of the grass runway. We also firmed up some property boundaries. The Lott, Parrish and Associates (LPA Group) was contracted to conduct this study and the LPA Group has been our Airport consultant for over twenty years. In keeping with our normal process with the Airport Layout Plan, they have worked with our staff and the Airport Commission. What you will see tonight is what has already been presented to the Commission and it is ultimately City Council that will have to adopt the final plan." City Administrator Yow then turned the presentation over to Mr. Ken Holt of the LPA Group.

Mr. Ken Holt of the LPA Group addressed Council.

He stated, "Thank you for this opportunity to update this Airport Layout Plan. The FAA suggests you consider updating your Airport Layout Plan every five years and if the conditions in the industry change, such as Boeing coming to the area and the visions of the Airport change, it is a pre-requisite to the FAA and state funding and to establish a five year capital improvement plan. These improvements could qualify for 95% funding."

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Mr. Holt reminded Council of the transfer of funding last year to Dorchester County when the Airport Layout was ongoing. He went over the points of the involvement of the ALP, such as inventory, twenty year forecasts, such as what possible aircraft will be housed at the airport, future facility requirements and layout and the Airport Layout Plan and drawing set and narrative report.

He stated, "This plan meets all the safety requirements of the FAA and it is the right thing to do to meet FAA assigned criteria. Once the layout is completed it becomes the basis of the layout plan and is one of five drawings and then a narrative report that basically shows the logic behind what we came up with over the next twenty years."

Mr. Holt went over the drawings in detail with Council showing the runways and the extensions of runways. He went over in detail the terminal area and the beacon and the hangars on the drawings. He showed a proposed site of new T-hangars that would be needed to meet the demand. The LPA is forecasting, as well as, a maintenance hangar and a new terminal facility. He also went over a new location for a new fuel farm and a replacement and he confirmed that this project of the new fuel farm would be eligible for entitlement money.

He referred to the drawing in two rectangles which is where any corporations that would want to bring in corporate aircraft, these new hangars would accommodate them. He stated, "Going back to the overall development plan, to the right of the airfield, we have identified about one hundred fifty acres for industrial development. Hopefully, it would be aviation related industrial development because it would provide direct access to your airfield, but it could be any type of industrial development. One thing that has been impressed upon me is that you are looking for every way to generate revenue streams at the airport. The opportunity is there."

Based on the FAA advisory circular, he overviewed the overall plan drawing.

Mr. Holt stated, "The next steps would be to submit this to the FAA for their formal review and we will take their comments to work with the City to incorporate those comments. The FAA would have to stamp the approval of this plan. Once we have that, then we have what we need in place to secure FAA funding."

City Administrator Yow asked Mr. Holt to go over the runways again, clarifying their current and projected status.

Mr. Holt stated, "In our analysis, the prevailing winds are of a large enough percentage that the 17/35 runway would suffice most of the aircraft out there. When you have a strong cross wind condition, the smaller aircraft will have a harder time to land on 17/35, there is only a small percentage of time based on National Weather Service data. The taxiway does not meet FAA standards currently based on the aircraft you have coming in. There is only 200 feet between the center line and the runway and it should be 240 feet. These things exist because standards change over times. There are a lot of airports that do not meet standards but are operational. FAA's focus is safety first, so it is their opinion for the City to relocate the taxiway 40 feet. It is also the issue of the 5/23 Runway as they do not participate in improvements of secondary runways. The state may come in and participate some. These are some issues to take into consideration in the future. We show the taxiway being relocated 40 feet."

Mayor Pro Tem Haire asked, "What is the cost of the relocation?"

Mr. Holt replied, "It is estimated between \$1.4 and \$1.5 million dollars."

Councilmember Jernigan asked, "Is it possible to relocate the runway 40 feet from the taxiway?"

Mr. Holt replied, "You could do that but it would not be cost effective."

Mr. Reese Earley stated, "You would have wetlands to deal with that we created."

Mayor Miller asked, "These proposed changes as it relates to the terminal relocation and corporate hangars, what kind of money does that amount to?"

Mr. Holt replied, "Approximately, and it is phased in over time, \$2.5 million dollars."

Mayor Pro Tem Haire made a motion to approve the concept of the Plan and to submit to the FAA for their final approval. This motion was seconded by Councilmember Stroman and unanimously approved.

There were no utility matters brought before Council.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Knotts, to enter into an Executive Session for a contractual matter concerning project innovation, a legal matter concerning utilities easement and a personnel matter concerning the Department of Public Utilities Manager. This motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson
City Clerk

/pfb



**RESOLUTION AUTHORIZING THE PURCHASE OF A 151,000 SQUARE FOOT
SPEC BUILDING FROM 348 MILLENNIUM DRIVE, LLC , A SOUTH CAROLINA
LIMITED LIABILITY COMPANY**

WHEREAS, by Resolution adopted July 12, 2011 the City of Orangeburg agreed to contribute One Million Six Hundred Thousand and no/100 (\$1,600,000.00) Dollars to the Orangeburg County\City Industrial Park Commission for the purpose of purchasing a 151,000 square foot spec building from 348 Millennium Drive, LLC, and

WHEREAS, the authorization to make said contribution was subject to certain conditions, including an obligation of the Commission to convey the within described property and the spec building to the County of Orangeburg and the City of Orangeburg as tenants-in-common, and

WHEREAS, all of the conditions requiring the contribution of the City have been met with the exception of the Commission's commitment to convey the property to the County and City if the industry previously identified as Project Innovation does not comply with the terms and conditions of the Incentive and Inducement Agreement dated July 5, 2011, and

WHEREAS, it was anticipated that the purchase of said property by the Commission and the sale of subject property to the industry previously known as Project Innovation were to be simultaneous transactions, and

WHEREAS, the Commission now plans to purchase said property from 348 Millennium Drive, LLC with a delayed sale and closing to Project Innovation.

NOW THEREFORE BE IT RESOLVED BY ORANGEBURG CITY COUNCIL DULY ASSEMBLED on the 6th day of December, 2011 that the City of Orangeburg reaffirms its commitment to provide One Million Six Hundred Thousand and no/100 (\$1,600,000.00) Dollars to the Orangeburg County\City Industrial Park Commission for the purpose of acquiring from 348 Millennium Drive LLC a 151,000 square foot spec building located on the below described property on the condition that the Commission agrees by Resolution that if the sale of said property to Project Innovation is not consummated within sixty (60) days from the adoption of this Resolution, then in such event, the Commission will convey said property to the County of Orangeburg and City of Orangeburg as tenants-in-common.

BE IT FURTHER RESOLVED that Paul A. Miller, Mayor of the City of Orangeburg, is hereby authorized to execute any and all other agreements and documents necessary to accomplish the purposes as set forth herein.

DESCRIPTION OF PROPERTY: All that certain piece parcel or lot of land with the improvements thereon, situate, lying and being on the southern side of Millennium Drive, County of Orangeburg, State of South Carolina, being more particularly shown as 20.89 acres on a survey, prepared for 348 Millennium Drive, LLC by Engineering Resources Corporation, dated December 31, 2007, and recorded in the Office of the Register of Deeds for Orangeburg County in Record Book D-88, page 7. Reference is made to said plat for a more complete and accurate description.

AND IT IS SO RESOLVED.



Mayor

Paul M. Hines
Glenn Hines
Sandra P. Krell
L. J. Zimmerman
Charles J. Segar
Richard F. Freeman

Members of Council

ATTEST:
City Clerk

Carrie H. Johnson

CITY COUNCIL MINUTES NOVEMBER 15, 2011

2162
Orangeburg City Council held its regularly scheduled meeting on Tuesday, November 15, 2011, at 7:00 P.M., in the Council Chambers Building with Mayor Miller presiding.

PRESENT:

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

A motion was made by Councilmember Keitt, seconded by Councilmember Stroman, to reschedule and change the time of the City Council meeting on Tuesday, December 6, 2011, to 6:00 P.M. This motion was unanimously approved.

A motion was made by Councilmember Knotts, seconded by Mayor Pro Tem Haire, to approve the November 1, 2011, City Council Minutes as distributed. This motion was unanimously approved.

Mayor Miller presented Mr. Willie Van Brailey with a Proclamation for his many years of service to South Carolina State University and the greater Orangeburg community.

A motion was made by Councilmember Barnwell, seconded by Councilmember Keitt, to approve the Third Reading of an Ordinance authorizing the conveyance of .74 acres located in Orange Township, consolidated School District 5 to Annie A. Jamison in compliance with the order of the Honorable Judge O. Davie Burgdorf, Master in Equity for Orangeburg County in that certain case entitled Annie A. Jamison, Et. Al. vs. Dutton Memorial Recreation Association, Et. Al. Case 2010-CP-38-1751. This motion was unanimously approved.

There were no utility matters brought before Council.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to enter into an Executive Session for a contractual/legal matter concerning the Spec Building at the County/City Industrial Park. This motion was unanimously approved.

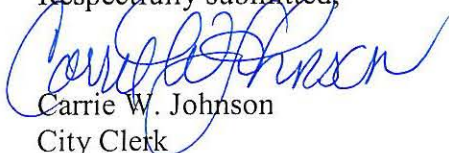
A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, for Council returned to Open Session. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Keitt, to approve a Resolution authorizing the execution of an amended Real Property and Revenue Sharing Agreement between the County of Orangeburg, City of Orangeburg and the Orangeburg County/City Industrial Park Commission. This was a 6-1 vote as Councilmember Barnwell opposed.

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

There being no further business, the meeting was adjourned.

Respectfully submitted,


Carrie W. Johnson
City Clerk

/pfb



RESOLUTION

A RESOLUTION TO ADOPT HEALTH INSURANCE BENEFITS FOR THE EMPLOYEES OF THE CITY OF ORANGEBURG EFFECTIVE JANUARY 1, 2012 AND REPEALING ANY CONFLICTING RESOLUTION OR ORDINANCE

WHEREAS, by Resolution of Orangeburg City Council dated December 7, 2010 certain retirement and health insurance benefits of City employees were adopted; and

WHEREAS, the City by said Resolution retained and reserved the right to review, amend or change said benefits, with or without cause; and

WHEREAS, City Council has reviewed its present benefits and finds that for financial reasons it is now necessary to amend and change the present health insurance benefits provided its employees and retirees.

NOW THEREFORE BE IT RESOLVED, by City Council duly assembled this 6th day of December 2011, that subject to the City's right in its discretion to amend, change, discontinue or abolish in whole or in part, the conditions, qualifications and requirements of all past, present and future employees of the City of Orangeburg, including retired and disabled employees of said City (hereinafter referred to as "employees") as of January 1, 2012 to obtain health insurance benefits from the City are set forth and shown on Exhibit A attached hereto and made a part hereof by reference. Said health insurance benefits shall be continuously reviewed and may be amended, changed, discontinued or abolished after each review.

BE IT FURTHER RESOLVED, that regardless of any prior review the health insurance benefits of employees shall be reviewed, established and defined annually by budget adoption during the adoption of the annual budgets of the City of Orangeburg and its Department of Public Utilities.

BE IT FURTHER RESOLVED, that any amendment, change, discontinuation or abolishment shall be effective upon adoption by City Council and notice of same after adoption shall be provided to employees within forty-five (45) days after adoption.

The City of Orangeburg is committed to reviewing its personnel policies and procedures and its health insurance benefits as needed. Accordingly, the policies and benefits of employees are subject to review, amendment, change or abolishment at any time, at the discretion of City Council; thus benefits may be increased, decreased or abolished at any time, with or without cause.

Any term, condition or limitation contained in any existing ordinance or resolution in conflict with this Resolution is repealed in its entirety.

RESOLVED BY City Council duly assembled this 6th of December, 2011.



Paul G. Min
MAYOR
L. J. Zimmerman Keitt
Chad Ferguson
Richard H. Thomas
Sandra L. Keitt
Ben H. Hare

MEMBERS OF COUNCIL

ATTEST:
Carol W. Johnson
CITY CLERK

THIS IS NOT A CONTRACT

**HEALTH INSURANCE BENEFITS
CALENDAR YEAR 2012
Exhibit A**

Came
COPY FOR YOUR INFORMATION

The within benefits may be increased, decreased or abolished at any time, with or without cause.

Definitions:

"Dental, Vision and Term Life", collectively and individually, is defined as the insurance benefits provided and administered by BlueCross BlueShield of South Carolina.

"Employees" are defined as all City of Orangeburg employees, including employees of the Department of Public Utilities.

"Health Insurance Benefits" are defined as medical, hospitalization and prescription drug benefits available to active full-time employees of the City and provided by insurance providers under contract with the City.

"1500 HSA" plan is the 2012 Preferred Blue Plan-HDHP administered by BlueCross BlueShield of South Carolina.

"500 PPO" plan is the 2012 Preferred Blue Plan administered by BlueCross BlueShield of South Carolina.

"TERP" is defined as the Teacher and Employee Incentive Program administered by the South Carolina Retirement System.

Active Employees

Active Full Time Employees

The City of Orangeburg (hereinafter referred to as "City") will provide medical, hospitalization, prescription drug, dental and vision insurance and (\$15,000) term life insurance to active full-time employees with 100% of the premiums paid by the City. The insurance is offered through providers chosen by the City. New employees are eligible to be covered at the beginning of the month following 30 days of continuous employment. Terminated employees are covered through the end of the month of which employment ended. Councilmembers and the City Attorney are considered active full-time employees for purposes of qualifying for health insurance benefits.

Dependents of Active Full Time Employees

Dependents, as defined by the insurance providers, are eligible for dependent Health Insurance Benefits, with the City contributing the following dollar amounts towards the premium costs and the employee paying all additional costs and premiums, including any future increases:

\$228.40 per month for spouse coverage for the BlueCross BlueShield 500 PPO plan
\$198.35 per month for spouse coverage for the BlueCross BlueShield 1500 HSA plan
\$158.16 per month for children coverage for the BlueCross BlueShield 500 PPO plan
\$137.36 per month for children coverage for the BlueCross BlueShield 1500 HSA plan
\$315.83 per month for family coverage for the BlueCross BlueShield 500 PPO plan
\$274.28 per month for family coverage for the BlueCross BlueShield 1500 HSA plan
The above City contributions are capped as of January 1, 2010.

Dependent Dental, Vision and Term Life insurance may be obtained with the employee paying 100% of the premium cost. Dependents of new employees are eligible to be covered at the beginning of the month following 30 days of continuous employment of the employee. Dependents of terminated employees are covered through the end of the month of which employment ended.

Dependents of current active full-time employees are eligible to be added or dropped during the City's annual enrollment period or as defined by law. All dependent coverage will be subject to the then terms and conditions of the City's benefit package being offered to dependents and the terms and conditions of the insurance policy or policies of the then insurance provider.

Employees who select medical coverage under the BlueCross BlueShield 1500 HSA plan will forfeit all other benefits referred to herein, but will receive the following amounts deposited quarterly into their Health Saving Account (hereinafter referred to as "HSA" account).

\$150 per month for active full-time employee coverage only
\$180 per month for active full-time employee and spouse coverage
\$175 per month for active full-time employee and children coverage
\$185 per month for active full-time employee and family coverage

Spouses of active full-time employees who are eligible for Health Insurance Benefits and/or Dental, Vision and Term Life with their employer(s), regardless of coverage limits or conditions, must select

and obtain coverage under their employer's plan or plans before they can become eligible for coverage under any City plan which, if selected, will be secondary insurance.

Eligibility for Post Employment Benefits

Present Active Full Time Employees hired prior to June 1, 1993

These employees may be eligible for the continuation of Health Insurance Benefits and Dental and Vision insurance coverage if they meet one of the following:

- a. The employee has 15 years employment with the City and is over age 65.
- b. The employee has 20 years employment with the City and is over age 60.
- c. The employee has 25 years employment with the City.
- d. The employee has 25 years employment with the City Department of Public Safety.
- e. The employee has 28 years of service under the SC Retirement System; with at least 15 years of continuous employment with the City.
- f. The employee has 25 years of service under the SC Police Retirement System; with at least 15 years of continuous employment with the City.

Present Active Full Time Employees hired on or after June 1, 1993 and before January 1, 2010

These employees may retire with the City and be eligible for continuation of Health Insurance Benefits and Dental and Vision if an employee meets one of the following conditions.

- a. The employee works 25 years for the City.
- b. The employee works 25 years for the City Department of Public Safety.

State of South Carolina TERI Retirement Program

Years of employment with the City while participating in the TERI program are included in employee tenure calculation for Post Employment Benefits eligibility.

Active Full Time Employees Retired under the SC Retirement System or SC Police Retirement System

Years of employment of an active full-time employee who has retired under either the SC Retirement System or the SC Police Retirement System are included in employee tenure calculation for Post Employment Benefits eligibility.

Retirees with Post Employment Benefits

Retiree Insurance

The City will pay the entire cost of a retired employee's Health Insurance Benefits being provided active full-time employees of the City once the retired employee reaches the age of 60 and until the employee reaches the age of 65. Prior to reaching the age of 60, the employee must pay the full premium and cost of his or her Health Insurance Benefits being provided an active full-time employee of the City. Retirees of the City will be allowed to participate in Dental and Vision insurance of the City if permitted by the insurance provider and provided the retired employee pays the full premium and cost of coverage.

Retirees over the age of 65 and/or their spouses over the age of 65 are eligible to receive any enhanced medicare or medicare supplemental plan being provided by the City. The City will pay up to \$100 per month towards the cost of coverage for the Retiree. The Retiree shall pay the balance of their premium and the full premium and cost of coverage for a retiree's spouse. In addition, the City will reimburse out of pocket prescription costs exceeding \$2000 up to a total benefit of \$840. In lieu of receiving coverage provided by the City, the Retiree may receive up to \$100 per month reimbursement towards the coverage of their choice. The above City contributions are capped as of January 1, 2011.

The Retirees under the age of 65 are also eligible for the continuation of Health Insurance Benefits and Dental and Vision for dependents. The retiree will be responsible for the entire cost of the Health Insurance Benefits dependent coverage and the entire cost of the Dental and Vision retiree and dependent coverage.

A Retiree must elect coverage at the time of retirement. Failure to make an election for available retiree, spouse or dependent coverage upon retirement shall constitute a waiver and forfeiture of all retiree Health Insurance Benefits, including Dental and Vision insurance provided by the City.

Spouses of Deceased Retirees

Spouses of deceased retirees who are receiving any Health Insurance Benefits from the City at the death of a retiree may continue the insurance coverage then in existence and shall continue to pay the then required premium and cost of coverage.

Retirees with No Post Employments Benefits

Employees hired on or after January 1, 2010

These employees upon retirement or termination will not be provided and may not continue any benefits referred to herein, including without limitation, Health Insurance Benefits and Dental, Vision and Term Life.

Election to HSA Plans

Current active full-time employees who elect to be covered under a City's HSA medical insurance coverage waive any future rights to be eligible for any benefits referred to herein, including without limitation, Health Insurance Benefits and Dental, Vision and Term Life upon termination of or retirement from employment. However, an employee may return to coverage under the standard 500 PPO plan, however all post employment benefits remain forfeited and shall not be reinstated.

Spouse & Dependents over 65 of Active Full Time Employees Who Would Qualify as a Dependent

Spouse and Dependents over the age of 65 of active full-time employees are eligible for the standard dependent 500 PPO insurance plan or the Medicare Advantage Plus plan. Spouses and dependents shall be subject to the same restriction for spouse eligibility referred to above if coverage is available at their place of work.

Active Full Time Employees on FMLA Leave or Long Term Disability

The City will continue to pay the monthly health and dental insurance cost of an employee who is placed on long-term disability or Family Medical Leave for a period of three (3) months following the last month worked. Upon expiration of three (3) month the employee has the option of continuing health and/or dental coverage (COBRA) at his own expense for a period of 18 months or up to 29 months (if totally disabled as defined by the Social Security Administration). COBRA coverage ceases once the employee becomes eligible for Medicare or Medicaid.

Dependent medical, dental, vision and life insurance shall remain in force on dependents for a period of up to three (3) months starting with the month following the last month worked by the employee. The City will continue to pay the same portion of the dependent coverage in effect while the employee was an active full-time employee of the City. The employee will continue to pay his portion of the premium for dependent coverage. Dependents will have the same option as an employee of continuing coverage under COBRA after this three-month period.

The employee or dependent must make arrangements for the payment of the employee's portion of the health insurance benefits premiums for the three-month period to be paid weekly, semi-monthly, or monthly.

If COBRA is elected after this three-month period, employee will make full premium payments the first of each month, payable to the City.

CITY COUNCIL MINUTES
December 6, 2011

2163

Orangeburg City Council held its regularly scheduled meeting on Tuesday, December 6, 2011, at 6:00 P.M., in the Council Chambers Building with Mayor Miller presiding.

PRESENT:

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

ABSENT:

Charles B. Barnwell, Jr.

A motion was made by Councilmember Keitt seconded by Mayor Pro Tem Haire, to approve the November 15, 2011, City Council Minutes as distributed. This motion was unanimously approved.

Mr. Ladson Beach, accepted the December 2011, Character Trait Proclamation, "Leadership".

Mr. Buster Smith, P&R Director, gave a report and recommendations on disbursements of the Accommodations Tax Advisory Fund. He recommended that the City not expend the \$2,700 this year, but carry this amount over in the Accommodation Tax Fund for expenditure next year. It is, also, recommended to name the Orangeburg County Chamber of Commerce as the City of Orangeburg's Lead Agency.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Stroman to approve the A-Tax recommendation and to name the Orangeburg County Chamber of Commerce as the City's Lead Agency. 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 enter into an Executive Session for contractual matters concerning (1) Health, Dental and Vision Insurances, (2) Project Innovation Incentive and Inducement Agreement and (3) Spec Building at the County/City Industrial Park. This motion was unanimously approved.

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

City Attorney Walsh addressed Council in regards to the Resolution authorizing the purchase of a Spec Building from Miller Valentine located at 348 Millennium Drive in Orangeburg.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Knotts, to approve a Resolution authorizing purchase of Spec Building from Miller Valentine in the amount of \$1,600,000.00. This motion was unanimously approved.

City Attorney James Walsh addressed Council in regards to GNK's objection to the drawback funds secured by a mortgage of the land at 348 Millennium Drive. Instead of a mortgage, the industry would like to offer a letter of credit in lieu of the mortgage and the City should agree to the substitution. He stated, "The letter of credit is with Citibank and someone would need to approve this and it will then be worked out with City Council if agreeable."

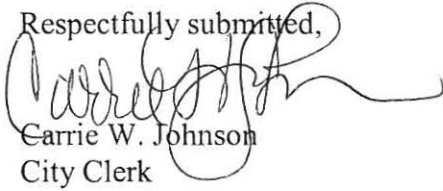
A motion was made by Mayor Pro Tem Haire and seconded by Councilmember Keitt, to proceed with securing the letter of credit with Citibank.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Knotts, to approve a Resolution to adopt health insurance benefits for the employees/retirees of the City of Orangeburg for 2012 and repealing any conflicting Resolution or Ordinance. This motion was unanimously approved.

A motion was made by Councilmember Keitt, seconded by Councilmember Stroman, to adjourn. This motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,


Carrie W. Johnson
City Clerk

/pfb

