

City Council Minutes  
November 16, 2021

Orangeburg City Council held its regularly scheduled meeting on Facebook Live via Zoom on Tuesday, November 16, 2021, at 6:00 PM with Mayor Michael C. Butler presiding.

**PRESENT:**

- Michael C. Butler, Mayor**
- Dr. Kalu Kalu, Mayor Pro Tem**
- Bernard Haire**
- Jerry Hannah**
- L. Zimmerman Keitt**
- Sandra P. Knotts**
- Richard F. Stroman**

Mayor Butler opened the Public Hearing concerning consideration of an Ordinance amending and restating the Business License Ordinance of the City of Orangeburg, South Carolina, to make certain other modifications to the City's Business License procedures; and other matters related thereto. The Public Hearing was closed as there was no one to speak.

A motion was made by Councilmember Stroman seconded by Mayor Pro Tem Kalu to approve the November 2, 2021, City Council minutes. The motion was unanimously approved.

Mr. Herbert Myers, 1457 Henley Street, appeared before Council. He stated, "I have several things that have bothered me for the last eight or nine months. First, I was turned down for the November 2<sup>nd</sup> agenda. I was not told why. Second, the cameras have been moved off my street and I still have a lot of stress from my neighbor. And thirdly, I have 10 incident reports. No one has come to my house and investigated these. Last Friday morning, I had problems with my neighbor's dog and in the afternoon, my neighbor threatened my son. I do not understand why the camera was removed when I am still getting threats. I am not getting any help. I have called the Mayor's office, John Singh, and Chief Adams. Public Safety has not given me any help. I have been told I have an investigator on my case, but I have not seen or talked to him."

Mayor Butler stated, "Chief Austin with Department of Public Safety is here to address this."

Chief Austin, Interim Director stated, "Mr. Myers has filed a number of reports dating back to 2015. We are keenly aware of his concerns. We have assigned the most recent case to the investigation division. Captain Gordon is out of town this week. When he returns, we will get an update. We are very much concerned about the issues Mr. Myers has raised. I have been over myself and talked with him twice. We will continue to record his reports and when it is appropriate, we will direct those reports to investigations for follow up. As far as the camera, we had other activity that needed attention. We have a limited number of cameras, so we had to move that camera to another location that had a higher volume of activity versus one location with a situation between neighbors."

Mayor Butler asked, "Is it possible to purchase a camera to place in front of Mr. Myers' house?"

Chief Austin stated, "I recommend, if we purchase a camera, we find a suitable location at either end of Henley Street. This way we can capture the whole street."

Mayor Butler stated, "I am aware that Mr. Myers has been calling. I know we cannot answer everything but, if possible, we will try to get a camera put on your block to see the activity."

Councilmember Hannah asked, "The Mayor and Chief Austin answered you, but we need a little help from you. Is it possible for you to get your own camera system to help with that angle?"

Mr. Myers stated, "I am working on that now."

A motion was made by Councilmember Stroman, seconded by Councilmember Keitt to authorize the City Administrator to sign acceptance of \$59,000 Airport Rescue Grant Program. The motion was unanimously approved.

A motion was made by Mayor Pro Tem Kalu, seconded by Councilmember Stroman to authorize the City Administrator to sign acceptance of \$317,989 South Carolina Aeronautics Commission Grant – Phase I Main Apron Expansion. The motion was unanimously approved.

A motion was made by Councilmember Hannah, seconded by Mayor Pro Tem Kalu to authorize the City Administrator to sign acceptance of \$33,558 South Carolina Aeronautics Commission Grant – Airport Terminal Building Remodel. The motion was unanimously approved.

Mayor Butler stated, "Item #7 is a discussion of the South Carolina House Redistricting Ad Hoc Committee draft plan for the South Carolina House of Representatives, effective for the primary and general election to be held in 2022. Council wants to go on record that we are against redistricting District 95."

Councilmember Haire stated, "I had two maps prepared. One map has the current House District and the other has the proposed House District. The redistricting proposals for the City and County of Orangeburg have a whole new host of representatives for Orangeburg. This is a vicious redistricting proposed plan for Orangeburg."

Councilmember Keitt stated, "We have been working with Representative Govan for the last two- or three-weeks concerning redistricting of Orangeburg District 95. We have been working with Bamberg and Orangeburg asking people to write letters to the Ad Hoc Committee. We are asking the Committee to take a deep look at what they are doing to Orangeburg. In 2023, Orangeburg should be the mecca City of the midlands because this is the direction we are moving. Orangeburg is a democratic county and the second largest county in the State of South Carolina. They would love to wipe us out. We are hoping we will not let them do that. We are still asking everyone to write letters to the Committee. The address was in the paper, or you can call me for the email or address."

Councilmember Hannah stated, "Just for District 3 in Orangeburg, I would have to go to three different parties to take care of the constituents in my district. It looks like all of the districts are chopped up."

Mayor Pro Tem Kalu stated, "This is a concept of gerrymandering. When you look at the population of Orangeburg County, we are still qualified for at least two House of Representatives. This will make Orangeburg less effective when it comes to political stance. We, as Council, should write a letter of voice to be heard so the Committee will know that we are not happy with what is taking place. This is a reminder to the people of Orangeburg to complete the Census when it comes around every ten years."

A motion was made by Councilmember Haire, seconded by Councilmember Knotts that Council submit a letter to the Ad Hoc Redistricting Committee to go on record in opposition to the South Carolina House Redistricting Ad Hoc Committee draft plan for the South Carolina House of Representatives District 95, effective for the primary and general election to be held in 2022. The motion was unanimously approved.

Assistant City Administrator Singh addressed Council. He stated, "You have before you the second reading of the Ordinance amending the Business License Ordinance for the City of Orangeburg. Since the last meeting, one business requested a copy of the Ordinance. We did not receive any comments back. Everything has remained the same except for the one item that we discussed concerning event vendors in Section 9.42 under peddlers for one day events. We will include the language from our original Business License Ordinance section 990000 concerning one day events such as fair vendors, etc., as it includes the definition and explanation. The dollar amount is not a significant amount or effect on the Business License Ordinance or revenue for the City. We have looked at what other communities have done in similar situations. We are currently charging \$30. There were discussions about going up to \$40. In talking with Attorney Flynn and some other cities, the range is \$5 to \$25 therefore staff is recommending \$25. We would like your feedback as well as the motion for second reading."

Councilmember Haire asked, "I thought the Ordinance was statewide with the same fees throughout the state, but we do have authority for this?"

Assistant City Administrator Singh responded, "We have limited authority for something of this nature. It is small dollar amount and area that would be covered. By putting it in Section 9.42 we are not affecting the body of the Ordinance. There is a little bit of flexibility there."

Councilmember Hannah asked, "You are suggesting \$25?"

Assistant City Administrator Singh responded, "Yes, because event vendors may only make \$40 making it tough to pay a \$30 fee. Also, if we have a large number of vendors come to an event, this is more people coming into the City and visiting our restaurants."

A motion was made by Mayor Pro Tem Kalu and seconded by Councilmember Keitt to approve the second reading of an Ordinance amending and restating the Business License Ordinance of the City of Orangeburg, South Carolina; to make certain other modifications to the City's Business License procedures; and other matters related thereto with the change to Section 9.42 under Peddlers for fee of \$25. The motion was approved 6-1. Councilmember Haire opposed.

Department of Public Utilities Manager Harley addressed Council. He stated, "You have before you Item #9 a request authorizing the acceptance of a \$500,000 Grant Award from the South Carolina Rural Infrastructure Authority (RIA) for the Hampton Street Sewer Replacement Project. Just to remind Council, we did bring this item to you in the budget. It was labeled the Old Country Club Sewer Replacement Project and Council approved it in the budget for \$375,000. As you know, all our divisions, particularly in Water and Wastewater, have been aggressively trying to find outside funding opportunities through granting agencies. We will continue to do that to try to leverage what we anticipate spending on projects. This project, although we asked for \$375,000 in the budget, because we were able to get this grant, we are going to ask to amend that budget to \$875,000 so we can do more. Council approved \$375,000 and we want to include the \$500,000 which gives us permission to spend \$875,000. It leverages what we were going to spend and makes our dollar go further. In your packet, there is a map outlining the area to be rehabbed. It covers the Hampton and Heyward Streets areas off the North Road. System Superintendent Ryan Etheridge is here to answer any specifics about the project. I would recommend that you allow us to accept this award and authorize the Mayor to sign this document and I will be the authorizing signature going forward."

Mayor Butler asked, "Is there a match to this?"

Manager Harley responded, "The grant covers construction only so it is really not a match, but our match in essence will be the other work that we will complete. We will do more than the \$500,000 plus we will cover any engineering and design costs. For the grants that we applied for, we have a defined area for the project so anything else we want to do would have to come in a subsequent grant. We will continue to apply and use this funding source going forward in Water and Wastewater."

A motion was made by Mayor Pro Tem Kalu and seconded by Councilmember Keitt to accept the \$500,000 Grant Award from the South Carolina Rural Infrastructure Authority (RIA) for the Hampton Street Sewer Replacement Project and empower Mayor Butler to sign the contract. The motion was unanimously approved.

A motion was made by Councilmember Stroman, seconded by Councilmember Knotts to go into Executive Session concerning a Personnel Matter, a.) Performance Evaluation of Municipal Judge and Department of Public Utilities Manager, S. C. code Sec. 30-4-70 (a) (1) and Legal Matter concerning Clarence Gailyard v. City of Orangeburg, S.C. Code Sec. 30-4-70 (a) (2). The motion was unanimously approved.

Council did not return to open session. There being no further business, the meeting was adjourned.

Respectfully submitted,

Linda McDaniel  
City Clerk



V O I D

V O I D

V O I D



**A RESOLUTION AUTHORIZING THE EXCHANGE OF PROPERTIES BETWEEN THE CITY OF ORANGEBURG AND ORANGEBURG PECAN COMPANY, INC.**

**WHEREAS,** the City wishes to expand its properties within the Edisto Gardens, and

**WHEREAS,** Orangeburg Pecan Company, Inc. has agreed to convey additional property to the City in exchange for the below described strip of land, and

**WHEREAS,** City Council finds it is in the best interest of the City to acquire said additional property from Orangeburg Pecan Company, Inc. for the above purpose.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Orangeburg duly assembled on this 7th day of December, 2021 that the City convey to Orangeburg Pecan Company, Inc., the below described City Property in exchange for the below described Pecan Property and Sidney J. Evering, II, City Administrator is hereby directed and authorized to sign a Deed conveying the below described City Property to Orangeburg Pecan Company, Inc. in exchange for the conveyance by Orangeburg Pecan Company, Inc. of the below described Pecan Property to the City of Orangeburg and is further authorized to execute any and all other documents required to complete the transaction.

**Pecan Property:**

All that certain piece, parcel or tract of land with any improvements thereon, situated, lying and being in the City of Orangeburg, County of Orangeburg, State of South Carolina, containing 0.55 acre, and being set forth and shown on a plat thereof, prepared for City of Orangeburg, by Edisto Engineers and Surveyors, Inc., approved by J. J. Jowers, Jr., RLS, dated November 18<sup>th</sup>, 2021 and recorded in the Office of the Register of Deeds for the County of Orangeburg, State of South Carolina in Plat Book \_\_\_ at page \_\_\_ and having the following boundaries and measurements: Northeast by other property of the City of Orangeburg 101.14 feet; Southeast by other property of Orangeburg Pecan Company, Inc., 218.06 feet; South by other property of Orangeburg Pecan Company, Inc. 87.90 feet; West by other property of the City of Orangeburg 28.42 feet and Northwest by other property of the City of Orangeburg 224.13 feet.

**City Property:**

All that certain piece, parcel or tract of land with any improvements thereon, situate, lying and being in the City of Orangeburg, County of Orangeburg, State of South Carolina, containing and being described as follows: Beginning at the eastern most point of a 0.55 acre tract as shown on a plat prepared for City of Orangeburg, by Edisto Engineers and Surveyors, Inc., approved by J. J. Jowers, Jr., RLS, dated November 18<sup>th</sup>, 2021 and recorded in the Office of the Register of Deeds for the County of Orangeburg, State of South Carolina in Plat Book \_\_\_ at page \_\_\_ and running from said point of beginning in a southeastern direction along property of Orangeburg Pecan Company, Inc. in a straight line for a distance of 230 feet, more or less, to the right-of-way of Russell Street and thence turning and running from said point along Russell Street in a northeastern direction for a distance of 72.8 feet to the intersection of Seaboard Avenue and Russell Street and thence turning and running in a straight line in a northwestern direction along the right-of-way of Seaboard Avenue for a distance of 230 feet to a point and thence turning and running in a southwestern direction in a straight line along property of City of Orangeburg for a distance of 72 feet to the above said beginning point.

**PASSED BY** the City Council of the City of Orangeburg, South Carolina, on this 7<sup>th</sup> day of December 2021.



Michael C. Butch

Mayor

Sammy Hair

Walter

Dandee P. Kuttles

Janice

James Keith

Richard F. Jones

Members of Council

Attest:

Linda McDaniel

City Clerk



**A RESOLUTION AUTHORIZING THE PURCHASE OF PROPERTIES LOCATED AT 465 ORANGE STREET, 1117 RUSSELL STREET, 1125-1133 RUSSELL STREET AND 1155 RUSSELL STREET FOR THE TOTAL CONSIDERATION OF FOUR HUNDRED TWENTY-NINE THOUSAND AND 00/100 (\$429,400.00) DOLLARS AND TRANSFER OF ECONOMIC DEVELOPMENT FUNDS.**

**WHEREAS,** City Council finds that the downtown area and its buildings are in need of revitalization and development, and

**WHEREAS,** the commercial and cultural viability of the City's downtown area is crucial for the future economic development of the City and its surrounding areas, and

**WHEREAS,** the City wishes to join the Downtown Orangeburg Revitalization Association in its development, redevelopment, and improvement of the downtown area and to promote downtown merchants and businesses in order to create a strong economic base for the City's community, and

**WHEREAS,** City Council finds it is in the best interests of the City to acquire the properties described below for the above purposes.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Orangeburg duly assembled on this 7th day of December, 2021 that the City for the above purposes purchase the below described properties from Quantum Mortgage Corporation and Edward J. Braxton, Trustee of Edward J. Braxton Revocable Trust dated April 1, 2016, for the purchase prices as stated below and Sidney J. Evering, II, City Administrator, is hereby directed and authorized to complete said purchases and to execute any and all documents required.

**Description of properties:**

**Quantum Property:**

**Purchase Price \$100,000.00**

**Parcel 1:** All that certain piece, parcel or tract of land, with all improvements thereon, situate, lying and being in the City and County of Orangeburg, State of South Carolina, being more particularly shown on a Plat for Commercial Capital Corp., et al, prepared by U.S. Surveyors, AES Group, Inc., approved by John H. Welbourn, RLS, dated July 6, 1998 and last revised on August 5, 1999 and designated as Parcel "1", containing 1.137 acres on said plat.

TMS# 0173-14-12-004

**Braxton Property:**

**Purchase Price \$329,400.00**

**Parcel 2:** All that certain piece, parcel or lot of land, with all buildings and improvements thereon, situate, lying and being in the City of Orangeburg, County of Orangeburg, State of South Carolina, designated as 191-199 Russell Street, N.E., and bounded and measuring as follows: On the North by an ally, measuring thereon 78 feet, more or less, on the East by Middleton Street, Measuring thereon 195 feet, more or less; on the South by Russell Street, measuring thereon 71 feet, more or less; and on the West by property of the Adden estate, measuring thereon 195 feet, more or less.

TMS# 0173-13-34-004

**Parcel 3:** All that certain lot of land with improvements thereon, situate on the northern side of Russell Street, in the City of Orangeburg, Orangeburg County, South Carolina, bounded and measuring as follows: north by property now or formerly of Buford, 35 feet; East by property now or formerly of Lester Finkelstein, 240 feet; South by Russell Street 35 feet; and West by property now or formerly of the Estate of Joseph McNamara, 240 feet.

TMS# 0173-13-34-010

**Parcel 4:** All that certain triangular parcel or lot of land, with any improvements, situate, lying and being in the City of Orangeburg, County of Orangeburg, State of South Carolina, measuring and bounding as follows: On the Northeastern sideline by property now or formerly of W. Laurie Mosley, for a distance of forty-one (41) feet three (3) inches, more or less, on the Southwestern sideline by property now or formerly of Jennie M. Wilson, for a distance of twenty-four (24) feet six (6) inches, more or less; and on the Northwestern sideline by property now or formerly of Jennie M. Wilson, for a distance of thirty-two (32) feet ten (10) inches more or less. This conveyance is to include one-half (1/2) of the brick wall already built and now standing between the remainder of the lot of land now or formerly of the said Jennie M. Wilson and the lot of land now or formerly of the said W. Laurie Mosely. This property being more particularly shown on a plat made by Samuel Dibble, Surveyor, dated the 13<sup>th</sup> day of May 1910, which is recorded in Deed Book 50, at Page 462.

**Parcel 5:** All that certain lot or parcel of land with any improvements thereon, situate, lying and being in the City of Orangeburg, County and State aforesaid, as shown on a plat made by Samuel Dibble, Surveyor, dated April 9, 1907, and recorded in the R.M.C. Office for Orangeburg County in Plat Book 2, at Page 37. Said property is more particularly described as that parcel of land on the north side of Russell Street in the City of Orangeburg, and measuring thereon thirty-five (35) feet three (3) inches, more or less, and running back from the said Russell Street on the eastern side line eighty (80) feet, more or less thence in a northeastern direction thirty-four (34) feet four (4) inches, more or less, thence in a northerly direction sixty-one (61) feet five (5) inches, more or less; and measuring on the rear line thirty-nine (39) feet one (1) inch, more or less, and running back from the said Russell Street on the western side line ninety-six (96) feet, more or less, thence in a northerly direction forty-one (41) feet two (2) inches, more or less, thence in a northwesterly direction twenty-one (21) feet, more or less.

**Parcel 6:** All that certain piece, parcel or lot of land, situate, lying and being in the City of Orangeburg, County and State aforesaid, bounded and measuring as follows: On the Northeast by property now or formerly of Dwight and Vince Mosley, for a distance of fifty-three (53) feet two (2) inches, more or less; on the Southeast by property now or formerly of Dwight and Vince Mosley, for a distance of thirty-two (32) feet ten (10) inches, more or less, on the Southwest by property now or formerly of Josephine F. Shuler, for a distance of fifty-four (54) feet four (4) inches, more or less; and on the Northwest by property now or formerly of Smoak, for a distance of thirty-three (33) feet, more or less.

ALSO: A perpetual right-of-way, including all right of ingress and egress from the lot above described over and upon a strip of land measuring ten (10) feet in width and twenty-one (21) feet, more or less, in length, being a portion of the lands owned now or formerly by the grantor and said ten (10) foot right-of-way being situate and adjacent to lands of Smoak; and the perpetual right of ingress over and upon a right-of-way leaving from the above right-of-way to Broughton Street.

ALSO: A one-half (1/2) interest in the brick wall already built and now standing between the lot hereinabove first described and the lands now or formerly of the grantor so that the said brick wall shall be and become a party wall between the grantor, her heirs and assigns, and the said Dwight Mosley and Vince Mosley, their heirs and assigns.

This property is more particularly designated on a plat made by S.D. Moss, Surveyor, dated July 10, 1951.

**Parcel 7:** All that certain piece, parcel or lot of land with improvements thereon, situate, lying and being in the City of Orangeburg, School District 5, Orangeburg County, South Carolina, more particularly shown and delineated as Lot C, containing 0.03 acres on a plat surveyed for Bill Wise Printers by Edisto Surveyors, Inc., approved by A. R. Parler, Jr., R.L.S., dated August 29, 1988 and recorded in the Office of the RMC for Orangeburg County in Plat Book 68L, at Page 72, and being bounded and measuring as follows: on the northeast by property of Orangeburg Theater's Inc., for a total distance of 40.43 feet, on the southeast by property of Braxton for a distance of 39.08 feet; on the southwest by property of Braxton, by a 10-foot ally and by property of Ray D. Gardner for a total distance of 37.97 feet; and on the northwest by Lot B, on said plat, for a distance of 37.44 feet.

**Parcel 8:** All that certain piece, parcel or lot of land, with the buildings and improvements thereon, situate, lying and being in the City of Orangeburg, School District No. 5, County of Orangeburg, State of South Carolina, designated as 131 and 133 Russell Street, N.E., and bounded and measuring as follows: on the Northeast by lands now or formerly of Orangeburg Theater, Inc., one hundred (100) feet, more or less; Southeast by Russell Street, thirty-three (33) feet, three (3) inches, more or less; Southwest by lands now or formerly of W. L. Mosley, one hundred (100) feet, more or less; and Northwest by lands now or formerly of W. L. Mosley, thirty-three (33) feet, three (3) inches, more or less.

TMS# 0173-13-34-013

**Parcel 9:** All that certain piece, parcel or lot of land, with all buildings and improvements thereon, situate, lying and being in the City of Orangeburg, Orangeburg County, South Carolina at 117 Russell Street in said city and fronting on Russell Street for a distance of 19 feet 7 inches and extending back a depth of 156 feet to ally running to Broughton Street and measuring 20 feet on the rear line and being bounded as follows: on the North east by property of Josephine Freeland Shuler with party wall connecting two buildings; on the Southeast by Russell Street; and on the Southwest by property by Edward J. Braxton and Lyla Braxton; and on the North west by the ally hereinabove referred to, together, with all right, title and interest of the grantor in and to the party wall herein referred to.

TMS# 0173-13-34-015



**BE IT FURTHER RESOVLED** that Warren T. Harley, Manager of the Department of Public Utilities is hereby authorized and directed to transfer the sum of Four Hundred Twenty-Nine Thousand Four Hundred (\$429,400.00) Dollars, plus closing costs, from the Department's Economic Development Fund to the City for the purchase of the properties as described hereinabove.

**PASSED BY** the City Council of the City of Orangeburg, South Carolina, on this 7<sup>th</sup> day of December 2021.



Michael C. Butch  
Mayor

Sam Haine  
Daniel T. Rotes

Richard + Stone opposed

Kelley

Janice  
L. Zimmerman

Members of Council

Attest: Linda McDaniel  
City Clerk