

**City Council Minutes
December 7, 2021**

Orangeburg City Council held its regularly scheduled meeting on Facebook Live via Zoom on Tuesday, December 7, 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

A motion was made by Councilmember Stroman seconded by Councilmember Keitt to approve the November 16, 2021, City Council minutes. The motion was unanimously approved.

Mayor Butler recognized "Kindness" as the December 2021 Orangeburg County Community of Character trait. Kindness is the quality of being gentle, caring, thoughtful and helpful.

City Administrator Evering addressed Council concerning the Department of Transportation RAISE Grant Program award. He stated, "It is my pleasure to share with you a \$350,000 Grant Award from the Department of Transportation RAISE Grant Program to be utilized for the engineering study of a pedestrian overpass for the Railroad Corner Project. This is a very important project for the City of Orangeburg. A key part of the success is to safely have students from Claflin and South Carolina State Universities cross over Magnolia Street and the railroad tracks to the future Railroad Corner project. This grant would allow us to study what it would take to construct an overpass and allow us to study transportation patterns along Boulevard and Russell Streets. We are looking at possibly changing Boulevard Street into a one-way street. We would also study sidewalk improvements."

Councilmember Haire stated, "I read the proposal and I am a little upset that the plan talks about making part of Boulevard Street one way. This was talked about some years ago when the South Carolina Highway Department proposed it. I am opposed to this as we have churches on Boulevard Street, and it will hinder the congregations being able to go and come."

City Administrator Evering responded, "I just want to make sure it is understood that this is not anything that has been adopted in stone. It is just for purposes of the study. I understand that our consultants, DFI, reached out to the churches about that possibility, but we will certainly take that into consideration."

City Administrator Evering addressed Council concerning an Emergency Ordinance extending Emergency Ordinance No. 2021-07 requiring masks and other face coverings in establishments and at gatherings. He stated, "As you recall, Council extended the City's face coverings ordinance on October 19th for 60 days expiring on December 19th. For your consideration, this Emergency Ordinance will extend the face coverings ordinance for 60 days ending February 16, 2022. Everything else as it relates to the ordinance remains the same."

Councilmember Haire asked, "Since the months seem to be going by fast, should we extend the Ordinance 90 days and if conditions warrant, we can withdraw it?"

City Attorney Walsh stated, "Sixty days is the maximum."

A motion was made by Mayor Pro Tem Kalu, seconded by Councilmember Keitt to approve an Emergency Ordinance extending Emergency Ordinance No. 2021-07 requiring masks and other face coverings in establishments and at gatherings. The motion was unanimously approved.

Councilmember Hannah stated, "Thank you Mayor and Council for the opportunity to bring this issue before Council and to the City of Orangeburg. We are allowing cats and dogs to roam freely. A couple of days ago I saw three dogs that I thought were playing with a black garment, but they

had a cat they were tearing apart. When I got closer, they dispersed, but I made a video showing what they were doing. This could have been my grandchild or your grandchild, it could have been an adult because it was three dogs. There are dogs that jump at you when you walk through the neighborhood. They have chains around their neck, and they are vicious dogs. Animal Control Officer Gilmore has been trying to catch one of these for around two years. Mr. Hibbits across the street stated he would send me a letter by email stating he also has had issues with the dog. The dog catcher set traps but cannot catch the dog. Whatever street you live on you have a dog issue. The City Ordinance dated 1961 states a method for animal control. We are asking for ordinances to be enforced."

City Administrator Evering responded, "Thank you for bringing it to our attention. I have spoken with Chief Austin and Colonel Connor, and we agree that we need to step up our enforcement efforts. I understand DPS has been looking at amendments to our current ordinance to help with the enforcement efforts."

Councilmember Hannah stated, "In doing so, Council, we can set an ordinance, but I would ask that we include some citizens when we are trying to revise this because it is about improving the quality of life in our City."

Assistant City Administrator Singh addressed Council, "I come before you to give a brief report from our Planning Commission regarding our Buffering Ordinance. We had a request from Council to perform a study to look at buffering, specifically St. Matthews Road area. The Planning Commission has recommended amending our Buffering Ordinance so it will cover the entire city. It clarifies the current buffering we have in place and instances where you have businesses coming into residential areas to protect the residential areas and to have as much harmony as possible. We have many transitional areas in the City where that can occur. The buffering levels are A, B, C. Level A is for a lighter use of a commercial application, up to Level C which requires a larger number of trees and shrubs, etc. It also gives an option for a potential prospect to substitute with a wall of some kind if they need the extra space that would have to be approved by the Building Official and Zoning. It is set up in stage so that we can do a few different things. The person who may be acquiring the property is responsible for implementing any type of buffering. Basically, we wanted to give you a brief report. Staff recommendation is that we bring this to Council on the December 21st Agenda for an amendment of our Ordinance."

Councilmember Haire asked, "In this Ordinance, it refers to mobile home or manufactured home, but the City does not permit mobile homes so is it necessary to have that wording in here?"

Assistant City Administrator Singh responded, "In talking with Mr. Ford and looking at policy, we do have some areas with grandfathered mobile homes that can be brought up in certain ways that it may be included in the code sometimes. As far as new mobile homes, there would be no application for it."

Councilmember Haire asked, "These homes that are in the City limits are already grandfathered, can you now require them to do this buffering?"

Assistant City Administrator Singh responded, "You could if you had a situation where you met our codes and you were replacing the homes that were currently there. You cannot add more or do anything additional, but it would be the same as if you had construction of over 50%. For example, with a house or building if you do over 50% of improvements the new code would kick in."

Councilmember Haire stated, "I thought the Ordinance clearly stated that they cannot replace those homes. "

Assistant City Administrator Singh responded, "They can replace them. They cannot add if the mobile home park had 20 mobile homes in it in the City, they could direct replace them, or it may even be a little bit less when looking at the code."

Councilmember Haire asked, "There are several designs in this. We are being asked to adopt these kinds of barriers?"

Assistant City Administrator Singh responded, "Those are examples of types of barriers, not the specific thing that you build. Those are samples showing the level of expectation of the construction. One of the most important things is that the Property Maintenance Code will enforce the maintenance of fences. For example, if someone puts in a fence and it starts to get run down, Code Enforcement will be able to enforce it. The same would pertain to dead trees or shrubs. The intent is to have a permanent buffer to protect between the two uses."

Councilmember Hannah asked, "In the material that the buffers are made of you are excluding wood, but was there mention of plastic?"

Assistant City Administrator Singh responded, "That is a good question. We really did not go that deep into it. We talked about block walls. We did not really get into vinyl. Is there a thought that you have on that?"

Councilmember Hannah stated, "We see a lot of privacy walls being constructed and people are using wood. Some are using plastic privacy walls. I have seen grade 3 or 4 and it was long lasting, maybe 30 years and it was plastic. It did not cost as much as some others, but the cost is a little more for the installation. It could be an option."

Assistant City Administrator Singh responded, "I will check on the grade part of it. I do not know if we can get into whether it is vinyl or wood if it is degraded or falling, we will immediately ask them to repair it. I will be glad to investigate it. We will have an answer to that question when we bring it for first reading at the next meeting."

Assistant City Administrator Singh stated, "This is the Third and Final Reading of our Business License Ordinance. Just a quick recap, this is to bring us in line with the State requirements for uniform business licensing which will go into effect in January. The only thing that we made a change to is what we talked about in the last meeting for short-term peddlers fee being \$25.00. Other than that, the Ordinance remains whole."

A motion was made by Councilmember Keitt, seconded by Councilmember Hannah to approve the Third 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. The motion was approved 6-1. Councilmember Haire opposed.

A motion was made by Councilmember Stroman, seconded by Mayor Pro Tem Kalu to go into Executive Session concerning a Personnel Matter a.) Performance Evaluations of Municipal Judge and Department of Public Utilities Manager. S.C. Code Sec. 30-4-70 (a) (1) and Contractual Matter and (a) Purchase of properties for rehabilitation located at 465 Orange Street, 1117 Russell Street, 1125-1133 Russell Street, and 155 Russell Street and (b) Exchange of properties between the City of Orangeburg and Orangeburg Pecan Company. The motion was unanimously approved.

A motion was made by Mayor Pro Tem Kalu, seconded by Councilmember Hannah to return to Open Session. The motion was unanimously approved.

City Administrator Evering stated, "Before you is a resolution asking to authorize the City of Orangeburg to purchase several properties. The first is 465 Orange Street which is the old Thunderbird Hotel that is behind the Dairy O. The purchase price is \$100,000 plus closing costs. The idea is to have this property developed for workforce housing and to work with a developer. The other properties are located on Russell Street that are currently owned by the Braxton Trust located at 1117 Russell Street, 1125-1133 Russell Street, and 1155 Russell Street. This would help the City have site control as we move toward revitalizing downtown. This will give us the opportunity to bring development to these buildings and downtown. The purchase price is \$350,000 plus closing costs. We are asking that you approve the transfer of funds from Department

of Public Utilities Economic Development Funds so there will be no hit to the general fund for the City.”

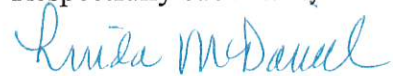
A motion was made by Councilmember Haire, seconded by Councilmember Knotts authorizing the City of Orangeburg to purchase properties at 465 Orange Street, 1117 Russell Street, 1125-1133 Russell Street and 1155 Russell Street and transfer funds from Department of Public Utilities Economic Development Funds. The motion was approved 6-1. Councilmember Stroman opposed stating he does not think the City should get into real estate.

City Administrator Evering addressed Council concerning a Resolution authorizing the exchange of properties between the City of Orangeburg and Orangeburg Pecan Company. He stated, “Currently the City owns two strips of property adjacent to Seaboard Street near the Edisto Gardens. We also have a lot adjacent to a lot Orangeburg Pecan Company owns. I am proposing the lot that the Pecan Company owns be given to us in exchange for the two strips of property that the City currently owns that is adjacent to Seaboard Street. We have been in discussion with the Pecan Company, and they would like to perform this exchange that will be done at no cost to the City.”

A motion was made by Councilmember Keitt, seconded by Councilmember Stroman authorizing the exchange of properties between the City of Orangeburg and Orangeburg Pecan Company. The motion was unanimously approved.

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

Respectfully submitted,



Linda McDaniel
City Clerk



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 18th, 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 18th, 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 7th day of December 2021.



Michael C. Butch

Mayor

Sammy Harris

Blair Ad

David P. Kuttles

Janice

James Keith

Michael Johnson

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 13th 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 7th day of December 2021.



Michael C. Butler
Mayor

Sam Haine
Danden T. Lytles

Richard Stone opposed

Kalvin

James
L. Zimmerman

Members of Council

Attest: Linda McDaniel
City Clerk