

City Council Minutes
April 7, 2022

Orangeburg City Council held a meeting on Facebook Live via Zoom on Thursday, April 7, 2022, at 6:00 PM with Mayor Michael C. Butler presiding. The regularly scheduled April 5, 2022 meeting was rescheduled to April 7, 2022 due to potential severe weather.

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 Mayor Pro Tem Kalu, seconded by Councilmember Keitt to approve the March 15, 2022, City Council minutes. The motion was unanimously approved.

Mayor Butler recognized Humility as the April Community of Character Trait.

Councilmember Haire addressed Council with a Point of Personal Privilege. He stated, "I have several points I wish to raise tonight of some things that concern me. Some years ago, City Council approved a recycled program to prevent plastics from going into the landfill. I have talked with the City Administrator and Mrs. Williams, the Human Resources Director. Ms. Williams stated people are not applying for those jobs so that is why we do not have a recycling program. I feel if we are providing comparable salaries to other areas, I would hope that we would look at a means by which we could compensate people so hopefully we will be able to restart the recycling program as it is definitely needed. There has been a proposal brought before Council to change ordinance readings from three readings to two readings. My problem with that is first reading is going to be by title. Second and final reading will give the public an opportunity to have input. I am trying to understand the rationale, why is it so important, to cut out a reading? Are we that short on time that we cannot continue with the three readings as we have had in the past? Having the title only, does not give the public the information they need to come back to a second reading and be intelligent about discussing it. The next item is the Christmas lights turned back on. I talked with the City Administrator, and he gave the rationale for having the lights turned back on. Who is paying for that electricity? Council provides out of the coffer or the income from DPU funds to operate the City but this is something that has not been approved by Council and I need to know who is paying for those utilities and why it was not brought to Council for its approval before it was done. The next item, I asked Mrs. Williams, Human Resources Director, some time ago for a job description for the position for what I thought was the Public Safety Director but when I received the job description of what the City is looking for, it talks about advertising for Chief of Police for the City of Orangeburg. Years ago, I along with other Councilmembers went to various places that had Public Safety Directors. It was thought that it would be a good thing for Orangeburg. With the public safety route, we would have officers who could respond to two things. They would be able to get to a fire call much sooner than the fire engines. When the fire engines arrived, the officers would be able to have their gear on and ready to fight fires once the truck arrives. I was disappointed and amazed to see that we are advertising for a Police Chief now and not a Director of Public Safety. Why, how or who is making the decision to go to the concept of Fire Chief and Police Chief? I do not recall this being brought to this body for changing as it relates to that makeup. I hate to say this, but there are things happening that possibly with the former administrator there would more of an uproar or concern expressed, but I do not see or do not hear it now. What you do for one, you have to do for all as far as I am concerned. These are the points and concerns that I have."

Mayor Butler stated, "If it pleases the Council, I suggest Mr. Haire submit his concerns in writing to the City Administrator and he can answer back in writing."

Councilmember Hannah stated, "This item was personal privilege, and the discussion was not on the agenda."

City Attorney Kozlarek stated, "The personal privilege was listed on the agenda. I definitely think that without notice of what the items were going to be, any substantive discussion that could potentially lead to action by the Council would be inappropriate, at this time. If it is just a discussion, I do not know that the personal privilege alerts the members of Council or the members of the public to what those items were or what they would be or the discussion that would be had."

Councilmember Haire stated, "Mr. Attorney, this was my point of personal privilege, and these were my concerns. I have never known wherein a councilmember had to nominate what these were ahead of time."

City Attorney Kozlarek stated, "If a councilmember is challenging another councilmember's ability to speak on a matter, the rules permit for the chair of the body to entertain a challenge and it would be a majority vote as to whether the councilmember's discussion could move forward."

Councilmember Haire asked, "Is that in writing? If so, I need a copy."

City Attorney Kozlarek stated, "To address the councilmembers question, it is Section 2-2.4 of the City Code of Ordinances. It indicates that the presiding officer shall state every question coming before the City Council announced the decision of the Council on all subjects and decide all questions of order subject however to an appeal to the Council in which an event a majority vote of the Council shall govern and conclusively determine such question of order. I will be happy to provide this in writing."

Councilmember Haire agreed to send his list of concerns in writing to City Administrator Evering. City Administrator Evering will respond in writing to Councilmember Haire.

City Administrator Evering addressed Council concerning Second Reading of an Ordinance providing for an Installment Plan of Finance to yield \$7,000,000 for Certain Capital Projects and Equipment; Authorizing the issuance of General Obligation Bonds, in one or more series, Tax-Exempt or Taxable, to Acquire Undivided Interests in such Capital Projects and Equipment; and Other Related Matters. He stated, "This is Second Reading for your consideration for financing that is being proposed that would yield \$7 million for purposes of constructing the City Hall at the corner of Broughton and Russell Streets in the old bank building. Since our last meeting, we have had two public input sessions that were well attended. The public was very much engaged in the process and some of you attended as well."

Councilmember Stroman stated, "I do not think the public is in favor of this and I am not in favor of this. You cannot borrow yourself out of debt. Seven to eight million dollars is a lot of money to spend on a 60-year-old building. If it was a new building, I would look at it differently. I feel we should spend a couple million dollars to fix up the bank building, but a third floor is out of the question for me. It has not been too many years ago, we had to borrow money from DPU to make payroll and I do not want to see it happen again. If we keep spending money, we could be in trouble."

A motion was made by Councilmember Keitt, seconded by Mayor Pro Tem Kalu to approve the Second Reading of an Ordinance Providing for an Installment Plan of Finance to yield \$7,000,000 for Certain Capital Projects and Equipment; Authorizing the issuance of General Obligation Bonds, in one or more series, Tax-Exempt or Taxable, to Acquire Undivided Interests in such Capital Projects and Equipment; and Other Related Matters. The motion was approved 5-2. Councilmembers Haire and Stroman voted against the motion.

City Administrator Evering addressed Council concerning Second Reading of an Ordinance Authorizing the Lease of 1117, 1133 and 1155 Russell Street, 1131, 1133, 1137 and 1143 Middleton Street; Authorizing the Execution and Delivery of a Lease Agreement Regarding the Same; Authorizing the Execution and Delivery of a Management Agreement Regarding the Same; Authorizing the Execution and Delivery of Additional Documents; and Providing the Related Matters. He stated, "This is Second Reading of an Ordinance that would allow the City to enter into a monthly lease with some tenants for the old Braxton Trust buildings that the City purchased last December. There were a handful of tenants that were under a month-to-month lease agreement. This would allow us to continue with those tenants on a month-to-month lease. We will put out for bids for a property management company to manage the rental properties."

A motion was made by Mayor Pro Tem Kalu, seconded by Councilmember Keitt to approve the Second Reading of an Ordinance Authorizing the Lease of 1117, 1133 and 1155 Russell Street, 1131, 1133, 1137 and 1143 Middleton Street; Authorizing the Execution and Delivery of a Lease Agreement Regarding the Same; Authorizing the Execution and Delivery of a Management Agreement Regarding the Same; Authorizing the Execution and Delivery of Additional Documents; and Providing the Related Matters. The motion was passed 6-0. Councilmember Stroman abstained.

City Administrator Evering addressed Council concerning an update of the South Carolina Office of Resilience, City of Orangeburg Stormwater Drainage Study Grant. He stated, "A few months ago, the City of Orangeburg received a Stormwater Drainage Study Grant from the Office of Resilience. When there are heavy rains, there is certain flooding that occurs throughout the City. This grant will allow a study to determine the best way to improve the drainage system within our City and reduce potential flood impacts. Carolina-Tea, an engineering firm, has been engaged to conduct this study. Mr. Kevin Gantt is one of the partners that will be conducting the study. He is a former SCDOT engineer and is very familiar with Orangeburg. They will have a public input session next week. There is a mailer that will be going out to the public and we will be advertising on our social media and website. The meeting is next Tuesday here at the City Gym 5:30 PM to 7:30 PM. We invite the public to come out and share with us any flooding concerns that you all may have in your neighborhoods or wherever in the City."

Councilmember Knotts asked, "What is the amount of this Grant?"

City Administrator Evering stated, "\$300,000."

City Administrator Evering addressed Council concerning an update of City Maintenance Efforts. He stated, "I wanted to share with you and the public some of the extraordinary maintenance efforts that have occurred of the last month or two. We challenged our employees to step up in terms of the maintenance around the City. If you look in your packets, there are several pictures of the maintenance that has occurred throughout the City with our parks, sidewalks, and Hillcrest Golf Course. Our Service, Public Works and Parks and Recreation Departments have been doing an extraordinary job. This has moved our City forward and instilling that sense of pride we all have in our City. Our City employees are doing a tremendous job in every department. I have been extremely proud of everyone's efforts."

City Administrator Evering addressed Council concerning a presentation of Proposed City Budget Calendar for Fiscal Year 2022-2023. He stated, "I want to highlight a few dates on the proposed budget calendar. A planning retreat is scheduled for June 14 and then budget workshop with Council on July 19. First Reading will be August 2, Second Reading on August 16 and then Third Reading September 6. Note the date of Council's approval of the Budget Calendar will be changed from April 5 to April 7 due to the rescheduling of this Council meeting."

A motion was made by Councilmember Stroman, seconded by Councilmember Keitt to approve the Proposed City Budget Calendar for Fiscal Year 2022-2023 with the necessary change. The motion was unanimously approved.

City Administrator Evering addressed Council concerning consideration of an Emergency Ordinance requiring Face Coverings in Establishments and at Gatherings. He stated, "Our COVID numbers have continued to come down tremendously. At this time, we only have one employee that has tested positive. Countywide the numbers have also continued to come down. The current Emergency Ordinance is scheduled to expire on the April 17. If Council would like to extend the mask ordinance for another 60 days, you will have to vote at this meeting for it not to expire before your next Council meeting. If you vote to extend it, the ordinance will expire on June 15. If Council does not do anything, the mask ordinance will expire on April 17, 2022."

Mayor Butler asked, "Did the County vote to extend their mask ordinance?"

City Administrator Evering stated, "The County did not vote to extend their mask ordinance."

Council did not take action on this item therefore the Emergency Ordinance Requiring Face Coverings in Establishments and at Gatherings will expire on April 17, 2022.

Assistant City Administrator Singh addressed Council concerning First Reading of an Ordinance for a Zoning District Map change from A-1 Residential, Single-Unit District to B-1, General Business District for properties located at 1090 St. Matthews Road TMS #0173-05-05-001.000, 1070 St. Matthews Road TMS #0173-05-05-015.000 and 1080 St. Matthews Road TMS #073-05-05-016.000. He stated, "This was a request made a while back that came before Council. Council voted not to make any changes. Subsequently, the next meeting we had an individual speak and Council requested a study be completed on St. Matthews Road as to whether it should be B-1 or other recommendations. From that study the recommendations made were if we were looking at putting B-1 we would add additional buffers. From the perspectives of staff and our planner, we feel it may be a little down the road before B-1 is necessary. At some point that area would probably become Commercial. Now that request has been made again by these property owners to have their property zoned B-1. The Planning Commission held a Public Hearing and two of the property owners attended and one spoke and reiterated their request. The Planning Commission recommended it be approved and now it is before Council for your decision."

Mayor Butler stated, "I read the information from the Planning Commission where they have approved the status change. Usually, we uphold the Planning Commission's recommendation because they have done this study. We have been holding on to this for a minute and we need to bring some resolution to this situation."

Councilmember Stroman stated, "We do not always agree with the Planning Commission. We spent a bunch of money and they recommended Office-Institutional, is that right?"

Assistant City Administrator Singh responded, "They did not give a direct recommendation. They recommended that it would need to be buffered to even consider the B-1. Staff, me being staff, and the planner that was involved in the study in his professional opinion said that today there is a lot of inventory in Orangeburg for Commercial property so this change may not be needed now but in 10-15 years that will probably occur. Speaking from the perspectives of the people with the properties, they are looking to try to get their properties zoned so if that need is now, they can do it. We are telling you the facts of where it could go. Regarding your question about O-I, O-I is a little less intensive zoning and B-1 can go anywhere from a McDonalds to anything. O-I would be more of a doctor's office, dentist's office, lawyer's office, or any type of institution of that nature. The ultimate decision is what your feelings are and to make the decision you think is best at this time."

Councilmember Stroman asked, "What do you recommend?"

Assistant City Administrator Singh responded, "That would possibly influence a decision and it would be inappropriate. It is the same with the Planning Commission. We bring you all the information and then you have to decide. This is First Reading. At the Second Reading there will be a Public Hearing so it could be that you have parties from both sides that come to speak. Please keep in mind we have three readings."

Councilmember Hannah stated, "Mr. Singh, I know we have visited, revisited, and hashed out all of that with this property. When we started with this it seemed like you wanted everyone to be rezoned and now, we are down to about 5% of the land to be rezoned."

Assistant City Administrator Singh responded, "We go by applications. If Council felt they wanted to rezone an area, they do have the right to go that direction. Then we would have to notify all the owners of the intent of Council. We have only had three people apply. That has always been the case. I will say that I have spoken to at least two other owners in that area that are interested in B-1 also. We would recommend to Council it would need to be in blocks, not one house on a block. You could do one house if it was contiguous to another B-1, but it is not the best idea. Ideally, we would like to get at least three contiguous properties so it would make sense for everybody."

Councilmember Hannah stated, "We keep revisiting this. You said we can do A or B. So, I could put an ABC store there or put a nightclub there."

Assistant City Administrator Singh responded, "You could put it on those three pieces of property."

Councilmember Hannah asked, "I could put anything I want to put there, but if we go a little lighter it would be more restrictions?"

Assistant City Administrator Singh responded, "Yes."

Councilmember Hannah stated, "Lastly, in that same zone, you said there were three people in a row. I do not think the people actually know what is going on. Although they did the survey, they may not know what is going on."

Assistant City Administrator Singh responded, "I think a lot of the owners on St. Matthews Road do understand because as I said we have had at least two to three that have expressed interest. Those that may not know would be the interior area, but I do know we have had people speak on both sides about it to Councilmembers. We have also had the individuals making the application request indicate they have talked to people around their area also. I think it is fairly known. Is it known by everybody? No. There is no way I could say that. I know we have duly notified everyone and done everything we can. This has been brought up twice and we have gone through this process at length, but I understand what you are saying."

Councilmember Stroman asked, "If this is turned down, would there be a second vote? Would there be a Public Hearing?"

Assistant City Administrator Singh responded, "No, it would not."

Councilmember Stroman asked, "Why isn't the Public Hearing scheduled for tonight?"

Assistant City Administrator Singh responded, "Typically, when we have a First Reading someone may not have picked up on the First Reading but usually by the time it hits the newspaper and other information sources, if there was a concern, they would have an opportunity to speak at the Second Reading. If we had the Public Hearing today at the First Reading, then, only people that truly knew today would be the only people to speak. Then if there is someone that catches this now and has a problem with it or wants to let us know they are in favor of it then they have an opportunity to do that. This is typically why we do it at a Second Reading."

Councilmember Keitt made a motion, seconded by Mayor Pro Tem Kalu to approve the First Reading of an Ordinance for a Zoning District Map change from A-1 Residential, Single-Unit District to B-1, General Business District for properties located at 1090 St. Matthews Road, TMS #0173-05-05-001.000, 1070 St. Matthews Road, TMS #0173-05-05-015.000 and 1080 St. Matthews Road, TMS #0173-05-05-016.000. The motion did not pass. The vote was 3-3-1. Mayor Butler, Mayor Pro Tem Kalu and Councilmember Keitt voted yes. Councilmembers Hannah, Knotts and Haire voted no. Councilmember Stroman abstained.

Assistant City Administrator Singh asked City Attorney Kozlarek, "Typically, unless it is stated in the ordinances, an abstaining vote would be a no vote, correct?"

City Attorney Kozlarek stated, "Yes, that is my understanding."

Assistant City Administrator Singh stated, "An abstention has to equal something. If it is not specified in our ordinances, an abstention is counted as a no vote."

Assistant City Administrator Singh addressed Council concerning First Reading of an Ordinance for Annexation into the City of Orangeburg by 75 Percent Petition and Ordinance Method for properties 831 Travers Street TMS #0172-07-01-008.000, 859 Travers Street TMS #0172-07-01-007.000, 831 Travers Street TMS #0172-07-01-006.000, 891 Travers Street TMS #0172-07-01-005.000, 171 Sprinkle Avenue TMS #0172-07-01-013.000, 868 Travers Street TMS #0172-07-01-011.000, 888 Travers Street TMS #0172-07-01-012.000, 848 Travers Street TMS #0172-07-01-010.000 and 820 Travers Street TMS #0172-07-01-009.000. He stated, "The petition request was generated by the residents of Travers Street. It was presented and approved by the Planning Commission to move the annexation forward. Almost every person on Travers Street was present at the Planning Commission meeting. They had one spokesperson speak on their behalf. Public Safety is one large component of their concerns. Code enforcement is something that we will have to work on with them. We have indicated that will be a joint effort. There was also a question about utilities. As you know, one of the challenges with annexation is we are to provide all the

utilities unless stated otherwise. This particular street does not currently have sewer, but Orangeburg County has sent a letter to the DPU committing to pay for the sewer to be put in on Travers Street. So, that will be provided, and we will have all utilities present. I do need to point out it is a 75% annexation. So, everybody did not agree. I will publicly state Mr. Jesse James, a resident of Travers Street, absolutely does not want to be annexed. He told me that directly when I was putting out the signs on Travers Street. I just wanted it to be noted, by state law, if 75% of the owners holding 75% of the value match up then it is allowed to pass if Council deems it to be so."

Councilmember Stroman asked, "Do you know how many people live on the street?"

Assistant City Administrator Singh responded, "My guess would be about 5 or 6 and there are some vacant lots. As you know we annexed the fairgrounds, and we have that total section which ties to Travers Street. Some concern is there will be extra effort for the Department of Public Safety and some expense. Being one block like that, the area has a great chance of being Habitat Homes or it would be great for affordable housing because there are vacant lots there. There are a lot of opportunities there and the residents feel strongly they want to be part of the City. A lot of times people do not want to come into the City because of tax reasons or other reasons. In this case, this group of people really want to be part of the City."

Councilmember Hannah asked, "What is the tax base, and did we go to the next person and the next person to see if they would want to come in under this umbrella?"

Assistant City Administrator Singh responded, "Typically, we go by the requested area and not necessarily out past that area. At this time, the tax base is not extremely high in terms of the actual taxes you will see come in. The potential is there. Overall, it is a neutral or a weak in that there may be more service provided the tax base that is coming in."

Councilmember Hannah stated, "This is an area for possible development is what you are saying?"

Assistant City Administrator Singh responded, "Travers Street itself is a dead-end street so it is kind of like a cul-de-sac. It certainly has potential for some development."

A motion was made by Councilmember Stroman, seconded by Councilmember Keitt to approve the First Reading of an Ordinance for Annexation into the City of Orangeburg by 75 Percent Petition and Ordinance Method for properties 831 Travers Street, TMS #0172-07-01-008.000, 859 Travers Street, TMS #0172-07-01-007.000, 831 Travers Street, TMS #0172-07-01-006.000, 891 Travers Street, TMS #0172-07-01-005.000, 171 Sprinkle Avenue, TMS #0172-07-01-013.000, 868 Travers Street, TMS #0172-07-01-011.000, 888 Travers Street, TMS #0172-07-01-012.000, 848 Travers Street, TMS #0172-07-01-010.000 and 820 Travers Street, TMS #0172-07-01-009.000." The motion was unanimously approved.

Assistant City Administrator Singh addressed Council concerning a Resolution for Fair Housing Month. He stated, "This is a resolution we pass every year. Some of it is perfunctory in the sense that when we apply for Community Development Block Grants (CDBG), one of the requirements is that the municipality recognize Fair Housing Month. We should not be doing it perfunctory for CDBG, but instead doing it for the fact that fair housing is important to everybody. We have certainly been talking about affordable housing in Orangeburg, so this is a prime time to pass this resolution. We will provide a copy of this resolution to the Lower Savannah Council of Governments (LSCOG)."

A motion was made by Councilmember Keitt, seconded by Councilmember Knotts to approve the Resolution for Fair Housing Month. The motion was unanimously approved.

DPU Manager Warren Harley addressed Council concerning a presentation of Proposed Department of Public Utilities (DPU) Budget Calendar for Fiscal Year 2022-2023. He stated, "We have for your review the budget calendar for DPU. If you recall since the start of COVID, we have aligned our Budget Ordinance First Reading with the City's Budget Ordinance First Reading and we would like to continue that going forward. That gives us room to hold an extra planning session if Council is available in May or June. I did not include an exact date so you can review your calendar over the next week and my assistant will call to see what works best for you. June

16th is the budget workshop. Please check your calendars for those two dates. The calendar is in your packet. I will bring it back to you at the next Council meeting.”

Mayor Pro Tem Kalu asked, “Is it scheduled for 9AM – Noon?”

DPU Manager Harley responded, “Yes, 9AM – Noon. Also, I would like to point out in the Memos section of your packet is a memo that the DPU sent out to the residents of Northwood Estates. I wanted to let you know that we have scheduled a meeting for April 14th here at the City Gym to discuss the transition from Synergy Utilities to the DPU for sewer service for all those residents. We will explain to them the process of getting set up for sewer service on our system. The anticipated transfer date is June 1, 2022.”

A motion was made by Councilmember Stroman, seconded by Councilmember Keitt to go into Executive Session concerning Legal Matters a.) Legal advice regarding the creation of a Department of Public Safety citizens advisory board S.C. Code Sec 30-4-70(a)(2) and b.) Legal advice related to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against the agency of a claim regarding the DPU operations center construction. S.C. code Sec. 30-4-70(a)(2) and Contractual Matter a.) Discussion of negotiations incident to proposed contractual arrangements, and legal advice related to matters covered by the attorney-client privilege regarding Trinity Highway Products. S.C. Code Sec 30-4-70(a)(2). The motion was approved unanimously.

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

Respectfully submitted,

Linda McDaniel

Linda McDaniel
City Clerk



VOID

VOID

VOID



RESOLUTION FOR FAIR HOUSING

- 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 City Council of the City of Orangeburg, South Carolina, in Council assembled, do officially recognize April as

“Fair Housing Month”

Passed by the City Council of the City of Orangeburg, State of South Carolina, this 7th day of April 2022.



Michael C. Beeth

MAYOR

Janelle R. Knott

Volpe

L. Zimmerman
Keith

Glenn Harris

Richard J. Thomas

[Signature]

MEMBERS OF COUNCIL

ATTEST:

Linda McDaniel

City Clerk