

City Council Minutes
February 21, 2023

Orangeburg City Council held its regularly scheduled meeting on Tuesday, February 21, 2023, 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 to consider an application for 100% annexation of properties belonging to South Carolina Housing LLC, 100 University Village Drive, and 400 University Village Drive, TMS# 0173-11-06-001.000 and TMS# 0173-08-16-004.000. There was no one to speak at the Public Hearing.

A motion was made by Councilmember Stroman, seconded by Councilmember Keitt to approve the January 17, 2023, City Council minutes. The motion was unanimously approved.

Mayor Butler recognized "Perseverance" as the February 2023 Orangeburg County Community of Character trait.

City Council and Department of Public Utilities Manager Harley recognized Mr. Ronald D. Milhouse, Jr. with a Retiree Resolution for twenty-eight years, one month and six days with a retirement date of January 20, 2023.

Assistant City Administrator Singh addressed Council concerning Second Reading of an Ordinance to approve the annexation of properties located at 100 University Village Drive and 400 University Village Drive, also known as TMS# 0173-11-06-001.000 and TMS# 0173-08-16-004.000. He stated, "We just held the public hearing on this matter. If there are questions, I will recognize Ms. Robyn Perrineau-Kendrick, property manager of University Village. Chief Austin is here to answer questions on the law enforcement component. There is an information sheet in your packet showing the property owner's savings as well as cost to the City. We do not recognize the public safety component on this sheet."

Mayor Butler stated, "Chief Austin please explain the safety part."

Chief Austin stated, "I have met with Dr. Tamara Jackson and Chief Timothy Taylor of the SCSU Police. SCSU is not responsible for that property. Orangeburg County Sheriff's Department has responded and SCSU has assisted. We are in the process of drafting a memorandum of agreement so as issues may come up and if SCSU has the resources available, they will respond. Chief Taylor said at this time, they do not have the resources to provide the necessary services to that property. DPS will have to assume primary responsibility."

Mayor Pro-Tem Dr. Kalu asked, "Mr. Singh, in your memo, you stated the property owner has been sporadic in paying the fire contract. Has that obligation been met?"

Assistant City Administrator Singh responded, "Yes, they have made the fire contract payment of approximately \$7,000. The fire contract will go away when annexed into the City as it will become a part of the services. Also listed are charges for water, sewer, and garbage pickup. The total difference is approximately \$86,000, mainly DPU taking the brunt of that when it is annexed."

Councilmember Stroman asked, "Will we have to hire more officers to take care of this?"

Chief Austin responded, "Under present circumstances we are going to make adjustments to accommodate the situation. The number of calls for services to the University Village over the past year were nine, I believe. With that being the case, we should be able to accommodate the situation at least for the next year."

Councilmember Stroman asked, "Do you know the total number of people that live there?"

Ms. Robin Perrineau-Kendrick stated, "We house 279 students at University Village that are fully enrolled at South Carolina State University (SCSU) and we only house SCSU students. Higher education deals with the Jeanne Clary Act. Anything that happens within that radius still affects SCSU. We think University Village annexing into the City would assist us in ensuring these young people get the same law enforcement services as we have seen at Claflin University. Students pay their funds to the University which is a part of the City. We receive money from the University to take care of all our expenses at University Village because of our memorandum of agreement. Student funds come through the student public financial aid system and then the University pays for the students who live with us. Yes, reducing the waste management would assist us in continuing to provide services if our overhead with those things would lower. SCSU students do not say they live at University Village; they will say they are enrolled at SCSU. Yes, we only had nine calls, and there were no violent calls. We have had things that could have been handled if the jurisdiction was under SCSU because we could have handled it internally with the judicial process. I think we are putting our students at risk, if we do have a situation, the response would be better if we were dealing with Public Safety and SCSU."

A motion was made by Councilmember Haire, seconded by Mayor Pro Tem Kalu to approve Second Reading of an Ordinance to approve the annexation of properties located at 100 University Village Drive and 400 University Village Drive, also known as TMS#0173-11-06-001.000 and TMS# 0173-08-16-004.000. The motion was unanimously approved.

City Administrator Evering addressed Council concerning Second Reading of an Ordinance Amending Article VIII of the City Code to Provide for a Public Safety Citizens Advisory Panel (CAP). He stated, "We have for your consideration Second Reading of an Ordinance Amending Article VIII of the City Code to Provide for a Public Safety CAP. Last year we presented an ordinance that would provide for the makeup and duties of the Citizens Advisory Panel to review certain internal and external matters as it relates to the Department of Public Safety. We decided to hold off on providing second reading for your consideration until we were able to get more information. Chief Austin has worked diligently with our City attorney on this matter and is here to provide additional details. We had some concerns from one citizen who wanted to have input and Chief Austin met with him on several occasions."

Chief Charles Austin stated, "In light of a number of incidents that have happened in recent years involving excessive use of police force and police brutality and the strange relationships that exist around the country now, and our agency is not exempt, so we believe it would be beneficial if we have a Citizens Advisory Panel (CAP) for the Department of Public Safety (DPS) to assist us with the review of our policies and procedures, and get a more in depth understanding of how the agency operates. If we have incidents that involve excessive use of force or police brutality, we will have that independent panel assist us with examining the circumstances so we can make informed decisions in terms of how to handle those situations. The panel would consist of seven voting members and three non-voting members. I have long supported the concept of Citizens Advisory Panels. I was ecstatic when Governor McMaster signed the police reform bill because I think these things will reduce the incidents of police brutality and excessive use of force and I believe can bring the community back together so that we can work harmoniously as it relates to the future of our City."

Councilmember Haire asked, "Chief, in Section 2-216.4 where the composition of CAP is listed as seven voting members. Is that correct? Also, please explain the non-voting members."

Chief Austin responded, "Yes, seven voting members. We would have a non-voting member with five continuous years of experience with DPS and below the grade of lieutenant. We wanted to exclude anyone that would be at the management level."

Councilmember Haire asked, "Is this document patterned after any particular city or several different cities?"

Chief Austin responded, "It is a combination of various cities, and the concept is supported by the International Association of Chiefs of Police and the Police Executive Research Forum."

Councilmember Hannah stated, "In soliciting persons to come on board from my jurisdiction, some are apprehensive because they would have to go through training."

Chief Austin responded, "I think there has been some misinterpretation or misconception about the training. What Public safety does is very intense work and people who are on the CAP should have some working knowledge of what is involved. We are in the process of developing a Citizen Public Safety Academy. That academy would involve two hours of training one day a week for up to 10 weeks. It does not require anyone to be subjected to defensive driving. No one will be tased or subjected to anything that would be physically injurious. I believe very strongly it is vitally important that people can review a report. If I give an incident report to the average lay person and it involves the excessive use of force or police brutality and they have no familiarity with our policies and procedures, no familiarity with the state laws or federal laws that would be catastrophic. The training we are talking about will provide intellectual information that would be critical in performing the duties we are asking the panel to perform, but we are not asking them to drive high-speed chases or anything of that nature. It takes into consideration persons have jobs and that is why we limited it to one day a week, two hours up to 10 weeks gives us an opportunity to ensure that we cover a broad base of information that is critical because you have to keep in mind the panel will be intimately involved in helping us keep a pulse on the community and when we have to deal with high-profile issues, for example, I want them to be informed to the extent that when they are asked questions by our citizens, they can answer those questions."

Councilmember Hannah stated, "Chief is correct, but I am looking at the makeup of the citizens. We may need to take a closer look at who we might recommend for that position that they have the academic ability to do this."

Chief Austin stated, "There are two things I feel strongly about. One is there should be an application process. Secondly, there should be a background check."

Attorney John Marshall Mosser stated, "We modeled the draft of the Ordinance on several other cities that have programs like this. Obviously, we want to take into account that this is intended to be a committee of the public. We do not want to exclude people, but we do want to have them have a baseline level of training because they are going to be making important decisions that impact human resources, interaction with public and frankly how this is going to be perceived as whether it moves the ball forward and advances. The intended purpose of this which is bringing the community together or goes in the other direction and that is why we thought the training was very important."

Councilmember Haire asked, "In this document, it states each member must regularly reside in the City. Either you are a City resident or not a City resident. Why is this part in there? I do not understand it."

Attorney Mosser responded, "I think the notion was not to include people who own property in the City and do not live in the City. You would have to be a full-time resident of the City."

Councilmember Haire stated, "Okay so maybe that wording needs to be full-time resident."

Attorney Mosser responded, "Good point. Thank you."

Mayor Pro Tem Kalu asked, "During our last conference in Columbia, this was the exact question that I asked the presenter in terms of training and requirements. If you want to be a member of CAP, you must have a working knowledge of the police department."

Chief Austin stated, "In our situation, we have an integrated public safety agency. Not only does this person need to have working knowledge of the police side, but also needs to be versed in our fire service."

City Administrator Evering stated, "There is one other aspect we need to look at that relates to liability. Human Resources Director Williams and our employment attorney will be looking to make sure we are squared away on that prior to third reading if we should pass second reading."

A motion was made by Mayor Pro Tem Kalu, seconded by Councilmember Keitt to approve Second Reading of an Ordinance Amending Article VIII of the City Code to Provide for a Public Safety Citizens Advisory Panel (CAP). The motion was unanimously approved.

Assistant City Administrator Singh addressed Council concerning First Reading of an Ordinance to consider an application for 100% annexation of property belonging to Crepe Myrtle Village, 180 Magnolia Street, TMS# 0172-11-01-002.000 and TMS# 0172-11-01-017.000, he stated, "This property is a good example of what was discussed at Legislative Action Day, and that is having donut holes. The bulk of this property is in the City with a small corner of it being out of the City, causing a disconnect of services for public safety, sanitation, and other services. The property owner has requested, and staff recommends annexation which will fill the donut hole so all the services will be uniform. These two properties will be assessed City property taxes."

Councilmember Knotts asked, "There are some houses that are directly behind the fairgrounds on the side street. I had two calls this afternoon and one lady said she had been trying to get into the City forever. One is on the front side of Sprinkle Avenue. Will we consider annexing this also since it is a part of that donut? Will we be considering adding those persons if they have a desire to be a part of the City?"

Assistant City Administrator Singh responded, "The street down Sprinkle and to the left, requested to be annexed and then they withdrew the request. I do not know if that is the street you are referring to but the simple answer to the question is if it is contiguous to the City limit, people can request to be annexed. They just need to call us. We look at the value and look at everything, but that is a decision that you as Council get to make after the Planning Commission."

Mayor Butler stated, "The property Councilmember Knotts is talking about is contiguous because this house is directly in the back of the fairgrounds property that we annexed. The residents of the side street backed out of the annexation process."

Councilmember Knotts stated, "Exactly, that is the property I am referring to. Mr. Singh, I will give you that name."

Assistant City Administrator Singh responded, "Yes. We can certainly look into it."

A motion was made by Councilmember Haire, seconded by Councilmember Knotts to approve the first reading of an Ordinance to consider an application for 100% annexation of property belonging to Crepe Myrtle Village, 180 Magnolia Street, TMS# 0172-11-01-002.000 and TMS# 0172-11-01-017.000. The motion was unanimously approved.

Assistant City Administrator John Singh addressed Council concerning first reading of an Ordinance to consider an application for 100% annexation of property belonging to City of Orangeburg, 3397 Broughton Street, TMS# 0151-15-11-001.000, he stated, "This property is the former substation for the DPU at the end of Broughton Street before you get to North Road. The property came before the Planning Commission, and they tabled it at the first meeting. The Planning Commission met again, removed it from the table, and voted to deny the annexation."

DPU Manager Harley stated, "This is the substation property which is approximately 14 acres. We no longer have need of the property. We presented to Council last summer an idea to leverage the ownership we have and the ballpark to bring something there that would be desirable for City residents and beneficial to the overall area. Of the 14 acres, only about three or so will be developed, the other portion will remain as a wooded area so in large part the buffer that is there will remain because it is wetlands. The City would retain control of the wetlands. We have our sanitation sewer right-of-way going through there. The goal was to include a boardwalk that would connect the property to the ballpark and a greenway to allow people to traverse back and forth. The potential project developers were interested in another property adjacent to it but have since withdrawn that request because the residents in the community had concerns about rezoning that property. It will be beneficial going forward for it to be commercial because that is the area that it resides in across from Prince of Orange Mall. There are two choices for the City to either do nothing with it or at some point we will need to rezone it or sell it and let somebody put a commercial venture on it because that is the best use. I wanted to give you some of the context of what this decision would allow for us going forward."

Mayor Butler stated, "Council, we need more clarity about this for the residents that are there. We need to table this until we get in Executive Session and get more information. We want to make sure our residents understand what is going on in their neighborhood and that their neighborhood is not going to be interrupted. I have talked to some of the residents today and I do not think it is clear enough. That is our job to relay messages and have a smooth transition."

Councilmember Haire asked, "Instead of tabling it, can we move it to the next agenda?"

A motion was made by Councilmember Haire to move this item to the next agenda. No second was made by Council.

Councilmember Stroman stated, "I think we should go with the Planning Commission and deny it. The people in the neighborhood do not want containers next to their property. They stated that at the Planning Commission meeting. From what I heard; we could get a lot more for that property. You are looking at property over a million dollars."

Councilmember Keitt stated, "I think we should table it."

Mayor Pro Tem Kalu stated, "Warren, in lieu of the facts of what the Mayor said we can move this to the next meeting. When you come back, because of the bifurcation of Broughton and Chestnut Streets, explain to Council why you think that will be safe for everyone. From what you are saying, if you have a business on the side, there will be congestion in that area and there is already a gas station in the center and the mall on the other side."

A motion was made by Councilmember Haire, seconded Councilmember Keitt to carry the First Reading of an Ordinance to consider an application for 100% annexation of property belonging to City of Orangeburg, 3397 Broughton Street, TMS# 0151-15-11-001.000 over to the next meeting. The motion was approved 6-1. Councilmember Stroman voted against the motion.

City Administrator Evering stated, "The Election Commission members and expiring terms are listed in your packet as Tyler Gardener, term expires March 31, 2023, Jeanette Bailey, term expires March 31, 2025, and Mary Jordan, Chairperson, term expires March 31, 2027. Mr. Gardener has agreed and is willing to serve another term and for your consideration."

Councilmember Haire stated, "This is not the protocol we have had with other appointments. Council was not apprised of there being a vacancy so therefore I have not had a chance to think of whether I wanted to support the person or put forth another nominee. I think in fairness to Council we need to carry this over and give Council an opportunity to say whether they want it. This is an at-large position wherein all of us have an opportunity to nominate."

Councilmember Keitt stated, "I thought that if the person wanted to remain then we would let them do that. That was the way it was usually done, and I think Tyler Gardner has already said that he would like to serve."

Councilmember Haire stated, "I found out this position was open when I got my packet and I have not had a chance to see whether or not I want to nominate somebody else. It may be that I will not have a nomination, but I think Council needs the opportunity to nominate someone if they want."

Mayor Pro Tem Kalu stated, "Councilmember Haire is saying this is not a district appointment, it is an at large appointment. Since this is at large and I understand what you are saying because I saw the packet and I do not know these people. I have a problem with six years, if it could decrease to maybe four years. If you are not satisfied with the current policy then we need to change that policy, but for now, it is not changed. This is not a district, this is at large. You can make a motion to retain the Election Commission member or not, but then coming next time we can put on the agenda to change the policy of the election of the members of the Election Commission."

A motion was made by Councilmember Keitt, seconded by Councilmember Stroman to nominate Tyler Gardner to serve on the Election Commission with a term expiring March 31, 2029. The motion passed 4-2-1. Councilmembers Haire and Hannah voted against it. Councilmember Knotts abstained.

City Administrator Evering stated, "I asked Attorney Mosser to look up the ordinance and it states City Council would appoint the members of the Election Commission. You all need to decide whether or not you want to accommodate Councilmember Haire."

Mayor Butler stated, "I think what Mr. Haire was saying is he did not have time to look at his packet. I do not think he had a problem with the policy. I do not think you did, did you Councilmember Haire?"

Councilmember Haire responded, "In the past, whenever a vacancy comes up, we would be notified to get your nominations in at the next meeting. We have not had an opportunity to hear there is a vacancy on this commission to be prepared to vote on a nomination at the next meeting."

Councilmember Hannah stated, "It has been my experience on Council, if an at large position comes open, a person might nominate someone from my district. As a courtesy, once that person's name comes up, you very seldom get someone to challenge it."

City Administrator Evering stated, "We have received an update on our request to the South Carolina Department of Transportation (SCDOT) for partial removal of Goff Avenue from the state highway system. Last year Claflin University President Dr. Warmack came before Council to request a portion of Goff Avenue from Clark Street to Magnolia Street be removed from the state highway system to allow that portion of road to be closed off during certain times and or events that the University would be having. He also indicated they had a number of issues with students almost being hit and overcrowding in that area. With the new student union coming online here shortly he wanted to make sure they were able to provide the safest possible way for students to be protected. We made the request to SCDOT, and the commission approved the removal of that portion of the road. Now, we have to go before a judge to allow for the closure at times that Claflin may request it. We also need to work out a maintenance agreement with Claflin University. They will be responsible for maintaining the roads going forward. We will need to do those two things prior to allowing them the ability to close off the road during certain times. This is just an update to let you know this first part of the process has been made."

Councilmember Haire stated, "I do not have any objections to closing the road, but there are residents that live in that area. Let's see whether we can work out something with South Carolina State University because they have to use that for the 1890 program. Let's see can we work out something wherein we can get a mutual understanding of this before we take any further action."

City Administrator Evering responded, "Council, to your point, it is my understanding that Claflin University will be continuing discussions with those entities."

Councilmember Haire stated, "But I do not think we need to leave it to Claflin University. I think we need to be a part of that discussion with SCSU and with the neighbors who reside in that area or have property in that area. I think it is fair to do that."

Mayor Butler responded, "Yes, we can let the residents know where we stand in support of closing that road for the safety and just have an open discussion with them."

City Administrator Evering stated, "I am happy to have ongoing discussions with the residents."

Mayor Pro Tem Kalu stated, "I would suggest Mr. Haire be part of that group discussion since it is his district."

Mayor Butler responded, "Yes, the entire Council will be part of the discussion."

City Administrator Evering stated, "I would like to give you a brief update on some of the major projects that the City has in the works. The Railroad Corner Project was initially commissioned by us and provided by Perkins and Will. In August, Council agreed to engage or select Orangeburg University Development Partners (OUDP) as the developer. We have signed a Memorandum of Understanding (MOU) with OUDP and are moving into the next stage which is the negotiation for the actual development agreement. OUDP has a twelve-month exclusivity period whereby they can continue to do their due diligence. This development will be anchored by student housing, about a 200-bed housing development along with commercial and retail spaces. We also have had ongoing conversations with Mr. Cecil Williams and his board about possibly locating his civil

rights museum there. We are also working on a grant to help us for the pedestrian overpass which is a significant portion of this project that will allow pedestrians to cross over Magnolia Street and the railroad track from the universities into the development. We also want to use some grant funding to go toward a parking structure. City Hall is another major project. We hired a general contractor, Mashburn Construction from Columbia. Work began about a month ago with some internal demolition of the building. We are making some changes to the floor plan to accommodate and make sure we stay within budget. The skate park project will be in the Andrew Dibble area across from the Edisto Memorial Gardens. We selected Platform Group as the skate park developer from Florida. We had a kickoff meeting with them last month. We have started surveying and doing some geotechnical work. Designs continue to be modified. We will have public input sessions to make sure we get input from the public. We are hoping to get shovels in the ground by last quarter of this year. Finally, we have the Stevenson Auditorium. As you recall, you approved for us to get a new roof on that building. The bids are in process. In the meantime, we have done some cosmetic work such as painting and putting in new lights. In an effort to get the public back in the building, we have scheduled a free concert March 4th by a talented local artist, Mr. Eric Who that was on the television show, The Voice.”

Mayor Pro Tem Kalu asked, “What about the Gateway Project?”

City Administrator Evering responded, “We have acquired the parcel at Chestnut Street and Highway 601. Mr. Sanford volunteered to donate that property to the City. We want to put a nice entrance gateway to the City. Council approved \$500,000 in ARPA funds to go toward this project, and we are in the process of diligently trying to get some additional funds as the project will probably be around the \$1 million dollar range. It is our goal to have this project completed by 2024, which is when we host the Dixie Youth Baseball Little League World Series.”

DPU Manager Harley addressed Council concerning consideration of Agreement for firm Transportation Services between Carolina Gas Transmission, LLC, and the City of Orangeburg Department of Public Utilities. He stated, “If you recall in October of 2022, we brought you a proposal in Executive Session that would allow us to pursue more firm capacity for our gas system. We were successful in our proposal and that will provide us with an opportunity to be ready for economic development on the horizon from a gas perspective. This is a precious commodity and as constraints continue to be a problem on the system for others, we hope this allows us to be able to achieve our goals going forward. So, my request is that you allow me to sign this agreement for firm Transportation Services between Carolina Gas Transmission, LLC, and the City of Orangeburg Department of Public Utilities.”

A motion was made by Councilmember Keitt, seconded by Mayor Pro Tem Kalu to approve DPU Manager Warren Harley to sign the Agreement for firm Transportation Services between Carolina Gas Transmission, LLC and the City of Orangeburg Department of Public Utilities. The motion was unanimously approved.

A motion was made by Councilmember Stroman, seconded by Councilmember Keitt to go into Executive Session concerning discussion of negotiations incident to proposed contractual arrangements involving the receipt of legal advice where the legal advice relates to matters covered by the attorney-client privilege – Russell Street development agreement SC Code Sec. 30-4-70(a)(2), discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other business in the area served by the public body – Project Boardwalk SC Code 30-4-70(a)(5), discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, and/or the receipt of legal advice regarding matters covered by the attorney-client privilege – Hillcrest Lease Agreement SC Code Sec. 30-4-70(a)(2) and receipt of legal advice where the legal advice relates to matters covered by the attorney-client privilege – County Elections Commission SC 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,

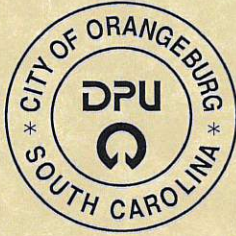
Linda McDaniel
Linda McDaniel
City Clerk



VOID

VOID

VOID



RESOLUTION

WHEREAS, Ronald D. Milhouse, Jr., faithfully served the Department of Public Utilities of the City of Orangeburg for twenty-eight years, one month and six days with a retirement date of January 20, 2023; and

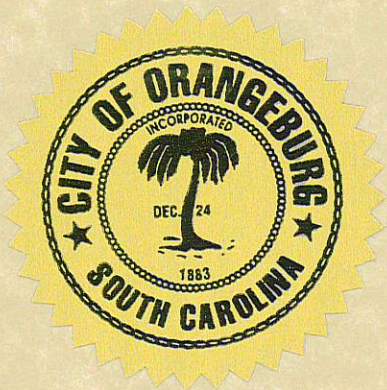
WHEREAS, he, through his long and faithful service contributed greatly to the successful operation of the City of Orangeburg; and

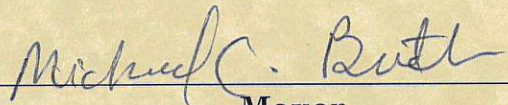
WHEREAS, the City Council, in recognition of the fine contribution rendered to the City of Orangeburg, wants to inscribe on the records its appreciation.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Members of Council, in Council assembled, do officially recognize the faithful service rendered to the City of Orangeburg in the capacities in which he served and we take pride in commending him for a job well done.

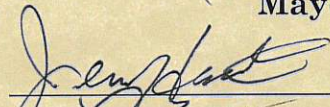
BE IT FURTHER RESOLVED that a copy of this Resolution, in appreciation for his devotion of duty to the City of Orangeburg, be placed in the Minute Book of the City in recognition of his services.

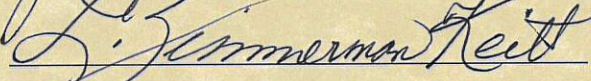
PASSED BY the City Council of the City of Orangeburg, State of South Carolina, this 21st day of February 2023.

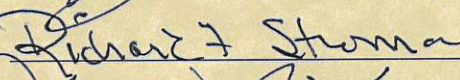




Mayor

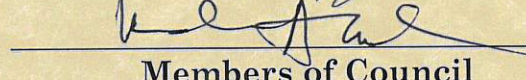






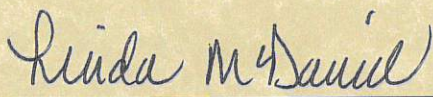






Members of Council

ATTEST:



City Clerk