

**City Council Minutes**  
**September 19, 2023**

Orangeburg City Council held its regularly scheduled meeting on Tuesday, September 19, 2023, at 6:00 PM with Mayor Michael C. Butler presiding.

**PRESENT:**

**Michael C. Butler, Mayor**

**Bernard Haire**

**Jerry Hannah**

**Dr. Kalu Kalu, Mayor Pro Tem**

**L. Zimmerman Keitt**

**Sandra P. Knotts**

**Richard F. Stroman**

A motion was made by Councilmember Keitt, seconded by Councilmember Stroman to approve the September 5, 2023, City Council minutes. The motion was unanimously approved.

Mayor Butler and Council recognized Mr. Brian K. Etheridge with twenty-eight years, two months, and twenty-five days service to DPU with a retirement date of September 1, 2023.

Mayor Butler and Council recognized Councilmember Bernard Haire with thirty-five years of service to the City of Orangeburg with a retirement date of September 30, 2023.

A motion was made by Councilmember Keitt, seconded by Mayor Pro Tem Kalu to approve second reading of an ordinance amending the 2020 Code of the City of Orangeburg to add Section 22-231, Urban Camping, and improper use of public places. The motion was unanimously approved.

City Administrator Evering addressed Council concerning first reading of an ordinance authorizing the transfer of the Old City Gym located at 1420 Broughton Street, TMP #0152-16-19-004.000. He stated, "Firefly Toys and Games, LLC has made an offer of \$175,000 to purchase the Old City Gym. The City does need to receive a decision on the piece of property where the outdoor basketball courts are located as this court was paid for with a Federal Grant. If the basketball courts can be used in conjunction with the business model, they would like to make an offer of \$175,000."

Councilmember Hannah asked, "Their offer was \$170,000, what is the City's counteroffer?"

City Administrator Evering stated, "Based on the appraisal of \$170,000, Firefly Toys and Games, LLC offered \$170,000. When I first brought this to Council's attention the offer was \$175,000 so I asked them to stick with the offer of \$175,000. If Council wishes to make a counteroffer, we can talk about it in Executive Session."

A motion was made by Mayor Pro Tem Kalu, seconded by Councilmember Keitt to approve first reading of an ordinance authorizing the transfer of the Old City Gym located at 1420 Broughton Street, TMP #0152-16-19-004.000. The motion was unanimously approved.

City Administrator Evering addressed Council concerning a Resolution authorizing the acceptance and administration of a grant from Orangeburg County, SC, approving the form of a grant agreement. He stated, "This grant is in regards to the Cecil Williams Civil Rights Museum. As you all know, we have had ongoing discussions with Mr. Williams about relocating the Civil Rights Museum to Railroad Corner. The County has agreed to grant \$1,000,000 to the City for the purposes of renovating the old State Theatre and the old Soda Shop to assist Mr. Williams in the relocation and renovation of that property to serve as his Civil Rights Museum. This Resolution will allow the City to accept this \$1,000,000 grant from the County. The County would like to share in the naming of the Civil Rights Museum."

A motion was made by Councilmember Haire, seconded by Councilmember Hannah to approve a resolution authorizing the acceptance and administration of a grant from Orangeburg County, SC, approving the form of a grant agreement. The motion was unanimously approved.

A motion was made by Mayor Pro Tem Kalu, seconded by Councilmember Haire to appoint Mr. Derrick Simpson to the Hillcrest Golf Commission unexpired term ending 07-01-2024. The motion was unanimously approved.

City Administrator Evering addressed Council concerning review and approval of Accommodations Tax Advisory Committee recommendations. He stated. "The Accommodations Tax Advisory Committee met on September 13, 2023 and made the following recommendations totaling \$190,500: DORA \$20,000 for promotion and advertising of First Friday Series; Orangeburg County Historical Society \$10,000 for Salley Archives Compact Shelving; Orangeburg County Fine Arts Center \$25,500 for Signage, Promotions for Exhibitions; City of Orangeburg Parks & Recreation \$5,000 for Promotion of vocal, musical and dance for Rose Festival; City of Orangeburg Parks & Recreation \$110,000 for Marketing/Promotion, facility upgrades, other related activities for DYB world Series 2024; and Tiffany Grant Foundation \$20,000 for 2-Day International Festival."

Mayor Pro Tem Kalu asked, "Why was the Orangeburg County Fair Association not awarded?"

Parks and Recreation Interim Director stated, "The submitted proposal did not meet the standards for Travel and Tourism, so it was voted down by the committee."

Councilmember Hannah asked, "Does the City have oversight to ensure the funds are used the way they are supposed to be used?"

Parks and Recreation Interim Director stated, "Yes there is oversight. Once you are awarded, there is a reporting requirement you must submit. If there is a flaw, it makes you ineligible for future awards."

A motion was made by Councilmember Hannah, seconded by Councilmember Haire to approve the Accommodations Tax Advisory Committee recommendations. The motion was unanimously approved.

Mr. Marc Wood was unable to present the Financial Update due to technical difficulties.

A motion was made by Councilmember Keitt, seconded by Councilmember Stroman to approve the third reading of an Ordinance to amend the budget for the operation of the Department of Public Utilities of the City of Orangeburg, SC for the Fiscal Year October 1, 2022, through September 30, 2023. The motion was unanimously approved.

DPU Manager Harley addressed Council concerning third reading of an ordinance to adopt the budget for the operation of the Department of Public Utilities for fiscal year October 1, 2023, through September 30, 2024, (2) adopt amended electric rates effective October 1, 2023, and (3) adopt amended gas rates effective October 1, 2023. He stated, "Included in this budget are rate increases for electric and gas divisions, 3% cost of living increase for employees and an increase in salaries of Council."

A motion was made by Mayor Pro Tem Kalu, seconded by Councilmember Keitt to approve third reading of an ordinance to adopt the budget for the operation of the Department of Public Utilities for the fiscal year October 1, 2023, through September 20, 2024, (2) adopt amended electric rates effective October 1, 2023, and (3) adopt amended gas rates effective October 1, 2023. The motion was approved 5-2. Councilmember Haire and Councilmember Hannah opposed.

A motion was made by Councilmember Stroman, seconded by Councilmember Keitt to adjourn the meeting. The motion was unanimously approved.

Respectfully submitted,

*Linda McDaniel*

Linda McDaniel  
City Clerk





A RESOLUTION AUTHORIZING THE ACCEPTANCE AND ADMINISTRATION OF A GRANT FROM ORANGEBURG COUNTY, SOUTH CAROLINA; APPROVING THE FORM OF A GRANT AGREEMENT; AND RELATED MATTERS.

BE IT RESOLVED by the City Council, as the governing body of the City of Orangeburg, South Carolina:

SECTION 1. Findings.

WHEREAS, the City is a body corporate and politic organized under the laws of the State of South Carolina ("State") and possesses all powers granted by the Constitution and general laws of the State;

WHEREAS, the City and Orangeburg County, South Carolina, have arranged for a grant from the County to the City to assist with the Civil Rights Museum Project, as more fully described in the attached Grant Agreement, the substantially final form of which is attached to this Resolution as Exhibit A ("Grant Agreement"); and

WHEREAS, the City desires to accept and administer the Grant and approve the Grant Agreement.

SECTION 2. Authorization to Accept and Administer Grant. The Grant and all documents related to the Grant, including the Grant Agreement (collectively, "Grant Documents") are accepted, and the City is authorized to administer the Grant according to the City's customary grant acceptance and administration process. Further, the form of the Grant Agreement presented at this meeting is approved, and all of the Grant's terms are incorporated in this Resolution by reference as those terms were set out in this Resolution in their entirety.

SECTION 3. Authorization to Execute and Deliver Grant Documents. The City Administrator, and the City Clerk, for and on behalf of the City, are each authorized and directed to do each thing that is reasonably necessary and prudent to effect this Resolutions' intend, including the completion, execution, attestation, and delivery of the Grant Documents and the performance of all obligations of the City under and pursuant to the Grant Documents.

ADOPTED BY the City Council on September 14, 2023.

Mayor

*Michael C. Beith*

Members of Council

*Gene Haire*

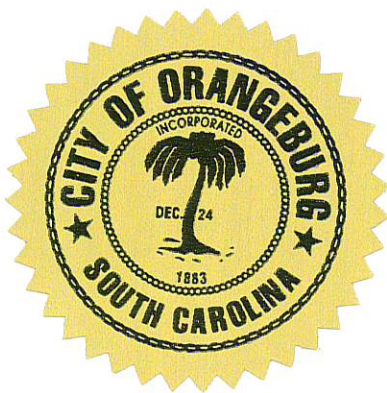
*Dandra F. Knott*

*Walter Haire*

*Liz Zimmerman*

*Richard J. Thomas*

*Paul [Signature]*



Attest:

*Linda McDaniel*

City Clerk

EXHIBIT A  
FORM OF GRANT AGREEMENT

GRANT AGREEMENT

This GRANT AGREEMENT, effective November 1, 2023 ("Agreement"), is between the Orangeburg County, South Carolina ("Grantor") and the City of Orangeburg, South Carolina ("Grantee," with Grantor, collectively, "Parties," each, a "Party").

WITNESSETH:

WHEREAS, Grantee has committed to assisting in the development of a civil rights museum at [] and [] Street, Orangeburg, South Carolina ("Project");

WHEREAS, to assist Grantee in developing the Project, Grantor has determined to provide a grant in an amount of \$1,000,000 to the Project to pay Grantee for the "Cost" (defined below) associated with the Project ("Grant Funds");

NOW, THEREFORE, in consideration of \$5.00, the respective representations and covenants contained in this Agreement and other good and valuable consideration the receipt of which each Party acknowledges, the Parties agree:

ARTICLE I  
ADDITIONAL DEFINITIONS

Each term defined in this Article has the meaning specified.

"Cost" means the cost, not to exceed \$1,000,000, of acquiring, by construction or purchase, the Project, including the real property, the infrastructure, furniture, fixtures, and equipment, and shall be deemed to include, whether incurred prior to or after the date of this Agreement: (a) obligations incurred for labor, materials, and other expenses to contractors, builders, and materialmen in connection with the acquisition, construction, and installation of the Project; (b) the cost of contract bonds and of insurance of all kinds that may be required or necessary during the course of construction of the Project which are not paid by the contractor or contractors or otherwise provided for; (c) the expenses for environmental investigations and remediation, test borings, surveys, test and pilot operations, estimates, plans and specifications and preliminary investigations therefor, and for supervising construction as well as for the performance of all other duties required by or reasonably necessary in connection with the acquisition, construction, and installation of the Project; (d) compensation of legal, accounting, financial, and printing expenses, fees, and all other expenses incurred in connection with the Project; (e) all other costs which Grantee shall be required to pay under the terms of any contract or contracts for the acquisition, construction, and installation of the Project, including without limitation, development fees, bank fees, interest expense and professional engineering costs; and (f) any sums required to provide Grantee with funds for any of the above items, or for any other work done and costs incurred by Grantee which are for the acquisition of land or property of a character subject to the allowance for depreciation provided for under Section 167 of the Internal Revenue Code of 1986, as amended, and included in the Project.

ARTICLE II  
DISBURSEMENT OF GRAND FUNDS

SECTION 2.01. Grant Funds Disbursement. Grantee shall provide documentation of the Cost to Grantor with a written request for the disbursement of the Grant Funds to Grantee or to a third-party vendor. Grantor shall use the Grant Funds to provide for the Cost and for no other purpose. Grantor may require additional documentation of the Cost to support Grantee's request for disbursement of Grant Funds if it provides a written request to Grantee explaining the specific information needed.

SECTION 2.02. Certification of Cost. No more than 15 days after Grantor's demand for additional documentation, Grantee shall provide Grantor with additional documentation establishing Grantee's intended use of the Grant Funds for Cost.

ARTICLE III  
REMEDIES

SECTION 3.01. Remedies. If a Party fails to perform under this Agreement, then the other Party may take whatever action at law or in equity that the non-defaulting Party deems appropriate, necessary, or desirable to enforce performance and observance of this Agreement.

SECTION 3.02. Nonwaiver. No delay or omission to exercise any right or power accruing upon any continuing default hereunder shall impair any such right or power or is a waiver thereof, but any such right and power may be exercised from time to time and as often as may be deemed expedient.

ARTICLE IV  
MISCELLANEOUS

SECTION 4.1. Notices. Any notice, election, demand, request or other communication to be provided under this Agreement is effective when delivered to the party named below or when deposited with the United States Postal Service, certified mail, return receipt requested, postage prepaid, addressed as follows (or addressed to such other address as any party shall have previously furnished in writing to the other party), except where the terms hereof require receipt rather than sending of any notice, in which case such provision shall control:

AS TO THE GRANTEE: City of Orangeburg, South Carolina  
ATTN: City Administrator  
Post Office Box 387  
Orangeburg, South Carolina 29116-0387

WITH A COPY TO: King Kozlarek Law LLC  
(does not constitute notice) ATTN: Michael E. Kozlarek, Esq.  
Post Office Box 565  
Greenville, South Carolina 29602-0565

AS TO THE Grantor: Orangeburg County, South Carolina  
ATTN: County Administrator  
Post Office Box 9000  
Orangeburg, South Carolina 29116-9000

WITH A COPY TO: D'Anne Haydel, Esq.  
(does not constitute notice) 2015 Broughton Street  
Orangeburg, South Carolina 29115

SECTION 4.2. Binding Effect. This Agreement is binding on and inures to the Parties' benefit, and to their respective successors and assigns.

SECTION 4.3. Counterparts. This Agreement may be executed in any number of counterparts, in original, by facsimile or by other electronic means, and all of the counterparts taken together are deemed to constitute one and the same instrument.

SECTION 4.4. Governing Law. This Agreement and all documents executed in connection herewith are construed in accordance with and governed by the law of the State of South Carolina without regard to any conflict of law provision that would suggest the use of another jurisdiction's law.

SECTION 4.5. Amendments. The provisions of this Agreement may be modified or amended only in writing by an agreement or agreements entered into between Parties.

SECTION 4.6. Further Assurance. From time to time each Party agrees to execute and deliver to the other Party additional instruments as either Party may reasonably request to effectuate the purposes of this Agreement.

SECTION 4.7. Severability. If any provision of this Agreement is declared illegal, invalid, or unenforceable for any reason, the remaining provisions hereof shall be unimpaired, and such illegal, invalid, or unenforceable provision shall be reformed so as to effectuate the legal, valid, and enforceable intent most closely thereof and so as to afford Grantee with the same benefit to be derived herefrom.

[ONE SIGNATURE PAGE FOLLOWS]  
[REMAINDER OF PAGE SUBSTANTIVELY BLANK]

IN WITNESS OF THIS AGREEMENT, Grantor has caused this Agreement to be executed in its name; and Grantee has caused this Agreement to be executed by its duly authorized officer, all as of the day and year first above written.

**ORANGEBURG COUNTY, SOUTH CAROLINA**

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

[SEAL]

**ATTEST:**

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**CITY OF ORANGEBURG, SOUTH CAROLINA**

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

[SEAL]

**ATTEST:**

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_



## RESOLUTION

- WHEREAS,** Councilmember Bernard Haire faithfully served the City of Orangeburg for thirty-five years with a retirement date of September 30, 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 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 the City 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 and a copy furnished to Councilmember Haire in recognition of his services.

**PASSED BY** the City Council of the City of Orangeburg, State of South Carolina, this 19th day of September 2023.



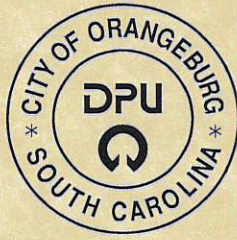
*Michael C. Butler*  
\_\_\_\_\_  
MAYOR

*L. Zimmerman Keitt*  
\_\_\_\_\_  
*Richard F. Stone*  
\_\_\_\_\_  
*Kelley*  
\_\_\_\_\_  
*Sandra P. Stott*  
\_\_\_\_\_  
*Jeffery*  
\_\_\_\_\_

MEMBERS OF COUNCIL

ATTEST:

*Linda McDaniel*  
\_\_\_\_\_  
CITY CLERK



**RESOLUTION**

**WHEREAS,** Brian K. Etheridge, faithfully served the Department of Public Utilities of the City of Orangeburg for twenty-eight years, two months and twenty-five days with a retirement date of September 1, 2023; and

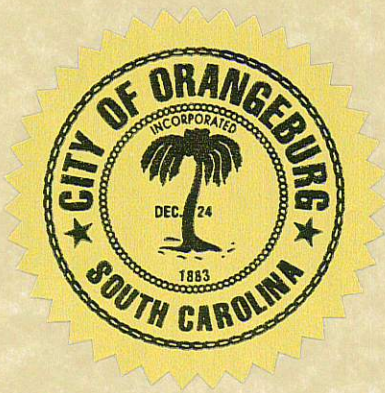
**WHEREAS,** he, through his long and faithful service contributed greatly to the successful operation of the City of Orangeburg; and

**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 19<sup>th</sup> day of September 2023.



*Michael L. Butler*  
\_\_\_\_\_  
Mayor

*Richard F. Stone*  
\_\_\_\_\_

*L. Zain Keel*  
\_\_\_\_\_

*Walter*  
\_\_\_\_\_

*Jandra L. Knotts*  
\_\_\_\_\_

*George*  
\_\_\_\_\_

*Benjamin Haue*  
\_\_\_\_\_  
Members of Council

**ATTEST:**

*Ruida McDaniel*  
\_\_\_\_\_  
City Clerk