

**City Council Minutes
November 7, 2023**

Orangeburg City Council held its regularly scheduled meeting on Tuesday, November 7, 2023, at 6:00 PM with Mayor Michael C. Butler presiding.

PRESENT:

Michael C. Butler, Mayor
Annette D. Grevious
Jerry Hannah
Dr. Kalu Kalu
L. Zimmerman Keitt, Mayor Pro Tem
Sandra P. Knotts
Richard F. Stroman

The Public Hearing was opened for consideration of an Ordinance adopting amended natural gas rates for the Department of Public Utilities effective on November 8, 2023. There was no one to speak at the public hearing. The public hearing was closed.

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

Mayor Butler recognized "Citizenship" as the November 2023 Orangeburg County Community of Character trait.

Mr. Eric Powell and Ms. Laura Hatt with the Orangeburg County Historical Society addressed Council. Mr. Powell stated, "I am the Director of the Orangeburg County Historical Society and Ms. Laura Hatt is a volunteer with the Historical Society. We want to bring to your attention that the old City Gym property, which was originally an Armory, sits on an active cemetery. By active, I mean there are existing burials there within the last 100 years. In the late 19th and 20th century, the City of Orangeburg gave that property defined as the lower part of the city cemetery down to Broughton Street to the state of South Carolina. As a public cemetery, anyone could be buried there. During the 40-50 years it was available, there were several burials there because people did not have the means to buy a plot at another cemetery or buy a marker. There was no record of these burials because most did not have death certificates. Before 1940, most black individuals did not have death certificates because it was not enforced. During the 1936 construction of the Armory by the State of South Carolina, skeletons were dug up. Also, during the Armory remodeling in 1977 a full skeleton was discovered under one of the bathrooms. The custom at that time was to ignore the remains of Native American which may be what they thought it was. The City gave the property to the state of South Carolina for the Armory. When the state of South Carolina discovered the bones, they kept going because they did not know it was a cemetery. In 1977, when they dug up the bones, there was some publicity about the public cemetery. One of our concerns is that today the laws are different about disturbing graves and burial sites. It is currently a felony to disturb a burial site in any way. We want to educate you, so you are aware of the burial site. Our concern is if this property is sold, the buyer will be liable should they need to make changes to the site. They will have to identify the bodies, arrange to move the bodies, advertise for relatives, and find another burial site, which will be added costs. We think it might be an undue burden on a buyer especially because they may not know about it."

Ms. Laura Hatt stated, "This cemetery has gone by a few different names, Public Cemetery, City Cemetery, Old Cemetery and Public Graveyard, but no matter the name, it is a sacred place."

Mayor Butler asked "I have been in Orangeburg since 1977 and no attention has been brought to this. It was an Armory, then later it was turned into the City Gym. When the Armory was built in 1936, were there already burials there?"

Ms. Hatt stated, "Yes, we have found 18 death certificates stating burial at the foot of the hill, which is under the gym. In the minutes I distributed, Mr. Pickney, the representative creating jobs stated, a title cannot be located for the Broughton Street property (possibly because we are a burned County) and stated, we can assign one. In the same minutes, the Mayor and Council announced a lady wrote a letter stating there was a cemetery located on the property on Broughton Street. It

was in the newspaper before 1936 that a cemetery was located there. When it was put in the newspaper that they were going to build an Armory there, people came forward stating a cemetery was located there. The last burial there was in 1931 and the Armory was built in 1936. The agreement was that the City of Orangeburg gave the property to the state of South Carolina with understanding when the National Guard moved out, the property returned to the City of Orangeburg.”

Councilmember Kalu asked, “From the Historical Society’s point of view, what do you recommend we do with the building?”

Mr. Powell stated, “We can correct this and going forward we can respect the people that are buried there. The right thing to do would be to extract the building, leave the grounds as they are, put up a marker naming the people we know and state there were others. I am not an engineer. I do not know what it would take to extract a building from the cemetery and dedicate it back as a cemetery.”

Ms. Hatt stated, “If you cannot take down the building because of the cost, give it to a nonprofit, not necessarily us, create a board and turn it into a museum. Orangeburg does not have a museum that can be changed every quarter with history about Orangeburg.”

Mayor Pro Tem Keitt asked, “Do you know if any relatives are living?”

Ms. Hatt stated, “Yes, we have found relatives on ancestry.com.”

Mayor Butler stated, “Thank you for presenting this information. We do not take it lightly and we will take this under advisement.”

A motion was made by Councilmember Kalu, seconded by Mayor Pro Tem Keitt to approve third reading of an ordinance authorizing the transfer of approximately 1.137 acres of real property known as the Palmetto Inn and Suites located at 465 Orange Street, TMP #0173-14-12--004.000. The motion was unanimously approved.

City Administrator Evering addressed Council concerning second reading of an ordinance amending and restating the business license ordinance to make certain other modifications to the City’s business license procedures. He stated, “In 2020 the general assembly passed the South Carolina Business License Tax Standardization Act that requires all municipalities to adopt a standard business license from May 1 through April 30 and update business license rates. Ms. Melissa Harrill is here to provide an update and answer questions.”

Ms. Melissa Harrill, MRB Group Consultant stated, “Listed in the statute all municipalities and counties that have a business license tax are mandated to update their Appendix B, class schedule, every odd year. This year it is effective May 1, 2024, and renewals will go out in January. The NAICS classes on several businesses shifted down a class going from a more expensive rate to a lower rate. Special events were added where promoters will pay a business license tax. In your packet is the revised class schedule which is Appendix B. Your rates are lower in comparison to your peer cities of Florence, Sumter, and Aiken.”

A motion was made by Mayor Pro Tem Keitt, seconded by Councilmember Kalu to approve the second reading of an ordinance amending and restating the business license ordinance to make certain other modifications to the City’s business license procedures. The motion was unanimously approved.

City Administrator Evering addressed Council concerning second reading of an ordinance adding Section 14 Chapter 7 of the City Code to provide for regulation of special events. He stated, “Ms. Harrill and Chief Austin will provide the context for your consideration.”

Ms. Harrill stated, “We modeled this after the City of Cayce special events ordinance and permit process. The theory is that the promoter of these events buys a business license, applies for the permit, then pays for the license and all vendors are covered under the promoter’s license. Since there are so many hoops that we are asking these promoters to go through, we made it all under one bundle. There are two amendments to the ordinance. Parks and Recreation was added to the list of departments that will review and approve these events. Also, we moved the notice from 30

days to 45 days. All documents will be posted on the website and there will be a flow chart of how this will work.”

DPS Chief Austin stated, “We strongly support the proposed ordinance as it will give ODPS more time to prepare for crowd control, traffic control, and inspections for the events.”

A motion was made by Councilmember Hannah, seconded by Councilmember Knotts to approve the second reading of an ordinance adding article of the City Code to provide for regulation of special events. The motion was unanimously approved.

A motion was made by Councilmember Stroman, seconded by Mayor Pro Tem Keitt to cancel the January 2, 2023, Council meeting due to holiday schedule. The motion was unanimously approved.

A motion was made by Councilmember Hannah, seconded by Councilmember Grevious to approve third reading of an ordinance adopting amended Natural Gas Rates for the Department of Public Utilities effective on November 8, 2023. The motion was unanimously approved.

DPU Manager Harley addressed Council concerning first reading of an ordinance authorizing the execution and delivery of a sale and transfer agreement by and between Orangeburg Department of Public Utilities and Bull Swamp Rural Water Company, Inc., authorizing the implementation of the Bull Swamp Rate Classification. He stated, “This is a contract agreement. Since 2019 we have provided operation and maintenance for the Bull Swamp water system through an agreement that we signed four years ago because they came to us and wanted us to accept their system. Instead of accepting it at the time, we thought it would be prudent for DPU to operate the system under a contract to evaluate the system. After our evaluation, we pursued through the South Carolina Rural Infrastructure Authority a grant totaling almost \$15 million, and Council approved the acceptance of this grant. The next step in the process is the actual transfer of the system. The Bull Swamp water system is currently on average generating \$635,000 in revenue and \$666,000 in expenses. We project, this year, a net income on the system of \$23,000. Once DPU accepts transfer and ownership of the system, \$200,000 will go away and would lead to net profit in the future of approximately \$150,000 annually. This also provides us with an opportunity to wholesale water to other areas of the county as well. Item #10 is an ordinance to adopt the rates which are currently in place for the Bull Swamp system. The system customers will not see a difference in their rates. You will also notice that the rates will be adopted in cubic feet, which is currently how DPU bills customers, and the others in gallons, which is currently how Bull Swamp bills its customers. Over the next year, we are continuing the process of changing out all our water meters throughout the system. There will come a point on the Bull Swamp system where some of their customers will have meters that read in gallons, and some will have meters that read in cubic feet, but the rate will be the same.”

A motion was made by Councilmember Grevious, seconded by Councilmember Hannah to approve first reading of an ordinance authorizing the execution and delivery of a sale and transfer agreement by and between DPU and Bull Swamp Rural Water Company, Inc., authorizing the implementation of the Bull Swamp Rate Classification. The motion was unanimously approved.

A motion was made by Mayor Pro Tem Keitt, seconded by Councilmember Kalu to approve the first reading of an ordinance adopting water rates for the Bull Swamp Territory for DPU effective on January 1, 2024. The motion was unanimously approved.

A motion was made by Councilmember Stroman, seconded by Councilmember Knotts to adjourn. The motion was unanimously approved.

Respectfully submitted,

Linda McDaniel

Linda McDaniel
City Clerk

