

**City Council Minutes**  
**November 21, 2023**

Orangeburg City Council held its regularly scheduled meeting on Tuesday, November 21, 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 water rates for the Bull Swamp Territory for the Department of Public Utilities effective on January 1, 2024. There was no one to speak at the public hearing. The public hearing was closed.

A motion was made by Councilmember Stroman, seconded by Councilmember Kalu to approve the November 7, 2023, City Council minutes. The motion was unanimously approved.

Public Artist Herman Keith addressed Council concerning Uniting Orangeburg Through Art. He stated "We bring public art to rural communities and towns for the community by the community. We use a template that is designed by the community to tell a story of Orangeburg visually. We go to schools, nursing homes, etc., and have a panel where everyone can participate in creating a mural, then it is installed on the wall using acrylic paint. We have created six murals in Lake City, Anderson, and Florence, SC. Color is reflective of life, life is energy, energy is life, and life is love. We are painting love on these walls which is giving back to the community by using the community to do it. We go into the community to gather the story, so as artists we can interpret what the community gives us and what they would like to be represented on a public building. The mural we completed in Anderson, which is known as the Electric City, shows a visual history lesson. It was sponsored by local businesses. Several panels were distributed throughout the community so the public could participate. The mural in Lake City, commissioned by Ms. Darla Moore in 2003, collaborated with high schools and art departments in Los Angeles, CA which shows how we bridge our nation through art. All our murals tell a story of each community in a very colorful way."

Mayor Pro Tem Keitt asked, "How long will it take to complete a mural?"

Mr. Keith replied, "Because we use the entire community, we like to use a timeframe of at least a year. Some have been longer because of wall repair."

Councilmember Hannah stated, "I have seen the murals in Lake City and Florence, and I am glad to see this coordinated here in Orangeburg."

Councilmember Kalu stated, "This type of project would help our downtown and help attract people to Orangeburg."

Councilmember Grevious asked, "As an artist, I am a champion of this project. I think it would beautify and jumpstart revitalizing the downtown area. Can you elaborate on how this project is funded?"

Mr. Keith stated, "Our projects are funded by donations. There are major corporations here that can donate, which would be their way of giving back. Sponsorship plaques are displayed. The estimate could be around \$40 per square foot, but measurements are needed for an exact price."

Councilmember Grevious stated, "I am willing to give to the project and help find others to give. I am willing to make a commitment to find at least \$5,000 to contribute to the project and I encourage my other Councilmembers to do the same."

Mr. Grant Davis, Mauldin & Jenkins, CPSs & Advisors addressed Council concerning the audit for fiscal year ending September 30, 2022. He stated, "We have issued a document in conjunction

with the financial statements called our Audit's Discussion and Analysis. The purpose of this document is to provide you with financial highlights. There is some information that we are required to communicate to you either in writing or verbally by Government Auditing Standards. On page 1, in the Independent Auditors Report, we have issued an unmodified opinion on the City's financial statements which is a clean opinion. In our opinion, based on the results of our audit, we believe that the City's financial statements are free of material misstatement. This is the first of three reports issued on our letterhead and the other two are at the back. Pages 5-14 are the Management's Discussion and Analysis. On Page 15 is the Statement of Net Position which is the Balance Sheet. There are two columns Governmental Activities which is primarily the General Fund and the Business Type Activities which is primarily the Department of Public Utilities (DPU). You will see there is a net position of equity of about \$310 million at the end of Fiscal Year 2022 which is an increase of about half-million dollars. On Page 17, the City's General Fund reports about \$8.2 million in total assets with the largest portion being cash and investments of about \$6.3 million. Liabilities are about \$2.2 million primarily payables to vendors accrued at year end, salaries, and things of that nature which gives us a fund balance of about \$600,000 at the end of Fiscal Year 2022. It is important to note that fund balance is broken up into a variety of categories. Probably the most important one is unassigned fund balance. The vast majority of the General Fund's balance is unassigned at \$4.5 million which is ultimately a very liquid fund balance. Page 19 shows the Income Statement of the City's General Fund. The total revenue is about \$11.8 million versus expenditures of about \$24.3 million. The next section is Other Financing Sources and Uses which includes money coming from capital needs obligation, transfers in from other funds and transfers out to other funds giving us a decrease in the General Fund balance of about \$2.4 million from 2021 to 2022. Page 21 looks at the City's business type funds. The most significant one is the Department of Public Utilities. The total assets are \$372 million versus liabilities of \$87 million which is an equity of about \$285 million. On Page 22 is the Income Statement. DPU reports an increase in equity of about \$3.3 million from 2021 to 2022. On Page 92 (the second of the three reports) is not designed to offer an opinion but provides what we call negative assurance. We are required to audit the City in accordance with the Government Auditing Standards as issued by the Comptroller of the United States and part of that audit is to document whether there have been any instances of noncompliance or internal control deficiencies associated with grant agreements, bond agreements or anything of that nature. We did not note any instances of noncompliance in this report. We noted one instance that we consider to be internal control deficiency. The third and final report is on Page 94 that offers an opinion on the City's spending of Federal monies required by the Uniform Guidance which is the Federal Guidelines that are set for spending Federal monies. The City has about \$1.2 million in Federal spending during this Fiscal Year 2021-22 that triggers a compliance audit. We audited the Airport improvement grant program which is the most significant program of the City for this year. We have a clean opinion on the compliance which means that the City utilized the money associated with Federal Guidelines appropriately. In terms of a reporting standpoint, Page 99 is a summary."

Mayor Pro Tem Keitt stated, "When I read Pages 13 and 14, I was concerned with the recommendations concerning the City's main operating account, the implementation of new accounting standards and Information Technology and Cybersecurity."

Mr. Davis stated, "I normally do not discuss the Information Technology and Cybersecurity recommendation due to the sensitivity. This item was a carryover recommendation from 2021. I spoke with Mr. Evering about this, and we do not have any reason to believe this has not been addressed since the date of this report. The second recommendation was regarding reconciliation of the City's main operating account. There was an unreconciled difference between the bank reconciliation as of September and what was reported in the General Ledger and ultimately that amount was not identified and had to be adjusted. The recommendation stated that monthly these amounts should be reconciled ultimately within a few dollars if not exactly. Government entities have to follow stipulations of the Governmental Accounting Standards. They have continued the adoption of new accounting standards. The new one for the City in 2022 is regarding leases. The recommendation is to stay abreast and use us as a resource to help address those items so they can be recorded properly in a timely manner and not result in a delay to the audit process. The fourth item is we use an application to facilitate the audit process which is where we submit our requests of the City. Our general request represents about 85% of what we anticipate needing to complete the audit. We rolled that application out during COVID as a necessity, but it has been very helpful as opposed to email or a portal. This recommendation is simply for the City staff to use this to the full extent to facilitate a more timely, efficient audit process."

A motion was made by Mayor Pro Tem Keitt, seconded by Councilmember Kalu to approve third 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.

A motion was made by Councilmember Kalu, seconded by Councilmember Grevious to approve the third reading of an ordinance adding Section 14 to Chapter 7 of the City Code to provide for regulation of special events. The motion was unanimously approved.

City Administrator Evering addressed Council concerning an update on Dixie Youth Baseball World Series (DYB). He stated, "We will host the DYB World Series on July 25, 2024, at the North Road Complex. We are anticipating thousands of people to come to the City of Orangeburg to support seven- and eight-year-old baseball players. This is an opportunity for the City of Orangeburg to shine on behalf of our Citizens. We have begun to prepare for this event, particularly at our North Road Complex where we have received grant funds to assist. Over the next few months, you will see landscaping updates along with additional improvements."

Councilmember Kalu, stated "I feel we need more publication about this event with our local radio stations and the internet, so people are notified of what is going on."

City Administrator Evering stated "We plan to market and promote the event which will increase as time gets near. We have reached out to several civic organizations as well as we will be promoting at the South Carolina High School football Championship at the end of this month."

Public Information Officer Van Cleave stated, "As Mr. Evering mentioned, next weekend will begin South Carolina High School football Championship games beginning Thursday, November 30 through Saturday, December 2. Our staff will be at all games providing information to the fans about DYB. They are expected to have as many as 20,000 individuals per game. There will be a halftime interview promoting DYB, our DYB logo images will be on the billboard, and the Mayor has recorded a welcome video. We will also work with WLTX news station with advertising which will lead up until July as well as with the T&D newspaper. The City's website is updated on a regular basis about DYB along with other upcoming events."

Mayor Pro Tem Keitt stated, "I would like to offer my help in any way possible because this is an exciting event coming to Orangeburg, especially when it involves young children. Please call Councilmembers as we are glad to help."

City Administrator Evering replied, "This will be a community wide effort. We are actively seeking additional volunteers and sponsors. We thank you all for your willingness."

Councilmember Hannah stated, "I request the current public relations continue. Volunteers are important. I have three names I would like to recommend, former Mayor Paul Miller, former Parks and Recreation employee, Ike Haigler, and former City Administrator John Yow. They all have expertise in knowing people that will help us in all those areas."

City Administrator Evering addressed Council concerning Skatepark project updates. He stated, "Our second and final public input session is scheduled in Council Chambers on November 30<sup>th</sup> at 5:30 pm. At the first session the public gave input which has been incorporated by Toledo Construction Company and the team building the skatepark into their overall design. I was able to see a preview of the design and I think everyone will be pleased. We hope to break ground in February with completion by Summer 2024."

Public Works Director Singh stated, "We have been working on bringing in concrete to properly prepare to set base in the area. In December we will have a one-and-a-half-minute presentation that will show what the skatepark will look like. We encourage everyone to attend the final public input session on November 30."

Councilmember Hannah asked, "Can you refresh my memory on the cost of the skatepark?"

City Administrator Evering stated, "The estimate is one million dollars but if you want all the bells and whistles it may be an estimate of two million dollars. We currently have grant funding that would cover the initial one million dollars."

Councilmember Hannah stated, "It is my hope that the contractors are looking at minorities bids."

Public Works Director Singh stated, "I am in total agreement with you. A few things about the construction, we will have a group from Pennsylvania that specializes in skateparks, and the Toledo Construction Company wanted local contractors. We decided to allow experts to install the skatepark as well as local contractors. The timeframe that we are landing is the best time to pour concrete for a skatepark."

Councilmember Kalu asked "With all the projects we have in the City, have you thought about having a project manager?"

City Administrator Evering stated, "Yes, if you recall I requested Council approve that position, so we have opened that job position."

City Administrator Evering addressed Council concerning first reading of an ordinance amending the budget for the City of Orangeburg for the fiscal year beginning October 1, 2023, and ending September 30, 2024. He stated, "In previous years the Airport budget because it is an enterprise fund was sometimes included in the budget figures and sometimes not included. It does not affect the General Fund, but we decided to amend the budget to include this in the overall budget. While we are making this amendment, we are requesting you include the Hospitality and Accommodations Tax in the budget. Also, the new commercial sanitation rates that were approved in budget sessions are outlined in an exhibit so the public will know the new rates beginning January 1, 2024. We are requesting Council approve this amendment so the budget for the City is clear."

A motion was made by Councilmember Hannah, seconded by Councilmember Kalu to approve first reading of an ordinance amending the budget for the City of Orangeburg for the fiscal year beginning October 1, 2023, and ending September 30, 2024. The motion was unanimously approved.

Public Works Director Singh addressed Council concerning first reading of an ordinance to amend Chapter 13, Building and Housing of the code of the City of Orangeburg and to amend the International Property Maintenance Code. He stated, "As you all know cleaning up the City has been a major project for the City and City Administration. Code Enforcement in the Public Works Department have been posting properties. We send certified letters and if the item is not handled, then fines are added. We have started this process and are getting results. The current maximum fine is \$500. This ordinance is amending the fine to \$500 a day. We are letting people know we want them to comply, so we have neighborhoods that are clean and buildings that are in safe condition. We want to make sure our staff has the tools to be able to do their jobs."

Mayor Butler asked, "Does this include parking on the grass in neighborhoods?"

Public Works Director Singh stated, "Our attorneys would need to look into this."

City Administrator Evering stated, "I have received a number of complaints concerning this and we can look into it if Council wishes."

A motion was made by Councilmember Stroman, seconded by Councilmember Hannah to approve first reading of an ordinance to amend Chapter 13, Building and Housing of the code of the City of Orangeburg and to amend the International Property Maintenance Code. The motion was unanimously approved.

Interim Assistant City Administrator Williams addressed Council concerning first reading of an ordinance to approve a change to the Zoning District Map from B-1 General Business District to B-2 Central Business District for properties located at 122 Treadwell Street, 118 Treadwell Street, 110 Treadwell Street, 1701 Russell Street, 1705 Russell Street, 1711 Russell Street, 1715/1719 Russell Street, 1721 Russell Street, 111/117 Boulevard Street, and 135 Boulevard Street. She stated, "A public hearing and Planning Commission meeting was held on November 16, 2023. Due to the time restraints to provide detailed minutes, we included a summary in your packet. We plan to provide you with the minutes later. The commission voted to recommend approval for the District Map change. B-1 is defined as General Business and B-2 is an expansion of B-1 which provides more of mixed-use properties. Since this is regarding Railroad Corner where the properties will be used for housing as well as commercial, the B-2 destination is more appropriate."

A motion was made by Councilmember Hannah, seconded by Councilmember Kalu to approve first reading of an ordinance to approve a change to the Zoning District Map From B-1 General Business District to B-2 Central Business District for Properties located at 122 Treadwell Street, 118 Treadwell Street, 110 Treadwell Street, 1701 Russell Street, 1705 Russell Street, 1711 Russell Street, 1715/1719 Russell Street, 1721 Russell Street, 111/117 Boulevard Street and 135 Boulevard Street, also known as **TMP# 0173-14-04-014.000, 0173-14-04-013.000, 0173-14-04-026.000, 0173-14-04-012.000, 0173-14-04-027.000, 0173-14-04-011.000, 0173-14-04-010.000, 0173-14-04-009.000, 0173-14-04-008.000, and 0173-14-04-007.000.** The motion was unanimously approved.

A motion was made by Mayor Butler, seconded by Mayor Pro Tem Keitt to table first reading of Item #11 an ordinance to approve a change to the Zoning District Map change from O-I Office-Institutional District to B-1 General Business District for properties located at 1090 St. Matthews Road, 1080 St. Matthews Road and 1070 St. Matthews Road, also known as: **TMP# 0173-05-05-001.000, 0173-05-05-015.000, and 0173-05-05-016.** The motion was approved 6-1. Councilmember Hannah opposed.

DPU Manager Harley addressed Council concerning second 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, "As you may recall from the last meeting, this is the process for DPU to take ownership of the system so that we can begin using the \$14 million grant to incorporate the Bull Swamp system as part of the Department of Public Utilities."

A motion was made by Councilmember Stroman, seconded by Mayor Pro Tem Keitt to approve second 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.

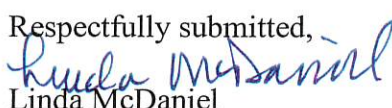
A motion was made by Councilmember Stroman, seconded by Councilmember Kalu to approve second reading of an ordinance adopting water rates for the Bull Swamp Territory for DPU effective on January 1, 2024. The motion was unanimously approved.

A motion was made by Councilmember Stroman, seconded by Councilmember Grevious to go into Executive Session concerning 1) discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice covered by the attorney-client privilege – Pink Palace property SC Sec. 30-4-70 (a)(2), 2) discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the public body – Project House 2 S.C. Code 30-4-70(a)(5), 3) discussion of negotiations incident to proposed contractual arrangements and/or the receipt of legal advice where the legal advice relates to pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement or legal claims, or the position of the public agency in other adversary situations involving the assertion against the agency of a claim – PFAS Litigation Opt Out S.C. Code Sec. 30-4-70(a)(2) and 4) performance Evaluation Discussion – Department of Public Utilities Manager S.C. Code Sec. 30-4-70(a)(1). The motion was unanimously approved.

A motion was made by Councilmember Stroman, seconded by Mayor Pro Tem Keitt to return to open session. The motion was unanimously approved.

A motion was made by Mayor Pro Tem Keitt, seconded by Councilmember Stroman to authorize the Department of Public Utilities Manager to sign a PFAS Litigation Opt Out. A resolution was not presented. The motion was unanimously approved.

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

Respectfully submitted,  
  
 Linda McDaniel  
 City Clerk

