

City Council Minutes
November 19, 2024

Orangeburg City Council held its regularly scheduled meeting on Tuesday November 19, 2024, at 6:00 pm in Council Chambers, 933 Middleton Street with Mayor Michael C. Butler presiding.

PRESENT:

Michael C. Butler, Mayor

Annette Dees Grevious

Jerry Hannah

Dr. Kalu Kalu

L. Zimmerman Keitt, Mayor Pro Tem

Sandra P. Knotts

Richard Stroman

Mayor Butler opened Public Hearing 1: Consideration of an ordinance amending the millage rate for property taxes for the City of Orangeburg, SC for the calendar year beginning January 1, 2025, and thereafter. Public Hearing 1 was closed as there was no one to speak.

Mayor Butler opened Public Hearing 2: Consideration of an ordinance to approve a change to the Zoning District Map from O-I Office-Institutional-Residential 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: TMS# 0173-05-05-001.000, 0173-05-05-015.000, and 0173-05-05-016.000.

Mr. Paul Miller, 562 Pike Street stated, "This rezoning issue on St. Matthews Road disturbs me that we would want to change it first to O-I, Office-Institutional and now to B-1. Some of you on Council were here when we established our long-term goal to grow the City. As we take away residential properties and turn them into businesses, it defeats the purpose of trying to grow the City. Within a half a mile radius of St. Matthews Road there are several vacant properties that could be used for business and if you go down Russell Street there must be 30 or 40 vacant buildings and sites. For that reason, I ask that you consider not making the change."

Mr. Randy Shuler, stated, "My wife owns one of the properties. With all the work that we have done over the last ten to twelve years, such as the buffers and changing our covenants and restrictions, we ask to be treated fairly like the ones on Chestnut Street. We have commercial in front of us, behind us and we would like to be treated fairly."

Ms. Paula O'Neal, 1205 Dantzler Street stated, "As I have said before, I would like it to stay family homes. I was raised there and now own my Grandmother's home. I believe we need to leave neighborhoods so people can afford to buy a home and live there. We have so many abandoned places that businesses can go. I live one street behind Dantzler Street right where it would affect. The street is already a race tract and there are children that live and play on that street. My child is one and there are neighbors that have spoken with you before that their children play there. From what I have educated myself on, it could be any business that could locate there. We do not want that, we are a family, and we want a family neighborhood. Also, I have read sled reports, when you let businesses come in neighborhood areas, the crime rate goes up and we already know Orangeburg has a problem with crime in that area. I think adding any business would be terrible for the neighborhood and for the families that live there. Not all of us can afford the brand-new \$300,000 homes that are in Orangeburg. I appreciate your consideration on everything I have said before. I came out today to speak my peace."

Ms. Glenda Zeigler Shuler stated, "I am the property owner at 1080 St. Matthews Road. I want to clarify something about the covenants and restrictions. When the property owners in Pecan Way Terrace started this process ten years ago, the covenants and restrictions were from the 1950s and it was ridiculous of what you could and could not do in the neighborhood. The property owners got together with an attorney to have the covenants and restrictions lifted. There are still restrictions on what can or cannot go there. It cannot be anything that will draw a large number of people like late night hours. It lists certain things, it cannot be a night club, a skating rink, or things like that."

Public Hearing 2 was closed.

A motion was made by Councilmember Stroman, seconded by Mayor Pro Tem Keitt to amend the agenda to add DPU Legal Matter under Executive Session. The motion was unanimously approved.

A motion was made by Councilmember Stroman, seconded by Mayor Pro Tem Keitt to approve the October 15, 2024, minutes. The motion was unanimously approved.

A motion was made by Councilmember Stroman, seconded by Councilmember Knotts to approve October 29, 2024, Special Council minutes. The motion was unanimously approved.

Mayor Butler recognized "Helpful" as the November Orangeburg County Community of Character Trait.

Mayor Butler recognized Mr. Bobby L. Goodwin with a Retirement Resolution for twenty-eight years and five days service rendered to the Department of Public Utilities.

Mr. Grant Davis, Mauldin & Jenkins, CPAs & Advisors addressed Council concerning the Audit for Fiscal Year Ending September 30, 2023, for the City of Orangeburg and Department of Public Utilities. He stated, "As you know from past presentations, I like to refer to page numbers. I will give you highlights and am happy to answer questions. The first and most important part of the audit process is our opinion on the financial statements, which is Page 1, Independent Auditors Report. We have issued an unmodified opinion on the City's financial statements, and it is the only acceptable result in a financial statement audit. It goes on to discuss our responsibility, the City's responsibility in this process but again, a clean opinion on the City's financial statements. Next is Management's Discussion Analysis. I suggest you read this because it provides discussion and analysis and gives some information about the numbers and why things have increased or decreased. Next on Page 14 begins the financial statements. This is for all the funds and activities of the City as a whole. Cash and investments of the City are about \$60 million at the end of September 2023. Liabilities are about \$136 million. Giving us a net position of about \$309 million at the end of 2023, which is a decrease of just under a million dollars from 2022 to 2023 that is reconciled on Page 15. Next is the Income Statement, which is called a Statement Activities and presents the income statement by functional expenses and then shows what revenues offset expenses, and then gets down to property taxes and general revenues. On Page 16 is the Balance Sheet. The general fund ended the fiscal year at about \$4.7 million in cash and investments, liabilities about \$2.8 million which gives us the fund balance of about \$3.4 million at the end of 2023. It is important to note, \$2.5 million is unassigned and that unassigned fund balance is available for appropriation or to meet the operating needs of the City. The general fund balance decreased by about \$2.2 million from 2022 to 2023. You can see the income statement for the General Fund on Page 18 of revenues of nearly \$14 million in the general fund versus expenses of about \$25.8 million. Then listed are other financing sources and uses such as a transfer from DPU which moves us toward balancing the fund but still ultimately a decrease in the general fund balance of about \$2.2 million from 2022 to 2023. The DPU has its own separate financial statements but as a fund of the City, it rolls up in the City's overall document which you can see beginning on Page 20. The City has two enterprise funds or business type funds, one is the Airport and the other is DPU. Listed on Page 2, DPU had net position or equity of about \$290 million at the end of fiscal year 2023. On Page 21 is its Income Statement. Increase of net position for DPU about \$4.8 million so from about \$285 million in equity to about \$290 million. On Page 70 is the general funds budget in a condensed version. I will give you a few highlights, budgeted revenues of about \$14.1 million versus actual \$13.9 which is a revenue shortfall from the budget of \$192,000. Budget expenditures of about \$22.7 million versus actual expenditures of about \$25.8 million. Actual expenditures exceeded the budget by about \$3.1 million. There were other sources of funds, transfers from other funds, cash from the issuance of debt, things of that nature that reconcile us back to this \$2 million decrease in the fund balance of the general fund. Anytime you expend more than \$750,000 in federally sourced monies in a fiscal year, it triggers a compliance audit. We must follow the federal guidelines for such audits. We audited two federal programs of the City. One was the Coronavirus State and Local Fiscal Recovery Funds (ARPA) and the other was a United States Department of Agriculture (USDA) community facilities loan program. We issued an unmodified or a clean opinion on compliance for those two programs. Again, an overall clean report for the 2023 audit."

Councilmember Stroman asked, "How much money do we have in reserves as of November 2024? Why do we no longer receive a monthly financial statement in our packet?"

City Administrator Evering stated, "We will get that information to you and monthly going forward."

Parks and Recreation Director Taylor addressed Council concerning review and approval of Accommodations Tax Advisory Committee recommendations. He stated, "The Accommodations Tax Advisory Committee met and voted the Orangeburg Chamber of Commerce as the A-Tax lead agency for this fiscal year."

A motion was made by Mayor Pro Tem Keitt, seconded by Councilmember Kalu to approve the Accommodations Tax Advisory Committee recommendation of the Orangeburg Chamber of Commerce as the lead agency. The motion was unanimously approved.

City Administrator Evering addressed Council concerning second reading of an ordinance amending the millage rate for property taxes for the City of Orangeburg, SC for the calendar year beginning January 1, 2025, and thereafter. He stated, "As you know, the County must complete a reassessment once every five years. This ordinance would lower the City's millage rate from 115 mills to 109 mills, so we do not have a windfall and keep more of a neutral collection in terms of our taxes because Council did not raise taxes this year."

A motion was made by Councilmember Kalu, seconded by Councilmember Grevious to approve second reading of an ordinance amending the millage rate for property taxes for the City of Orangeburg, SC for the calendar year beginning January 1, 2025. The motion was unanimously approved.

Assistant City Administrator Williams addressed Council concerning second reading of an ordinance to approve a change to the Zoning District Map from O-I Office-Institutional-Residential 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: TMS# 0173-05-05-001.000, 0173-05-05-015.000, and 0173-05-05-016.000. She stated, "This issue has come before the Planning Commission in the past and the Commission has recommended to Council each time that it be approved. Last year when it was brought before Council, it was tabled and then it came back on the agenda last month for first reading and tonight it is on the agenda for second reading."

Mayor Butler stated, "I want to make a statement. After carefully studying this with the attorney, I see clearly what we need to do if the majority of Council agrees. We have voted on other areas and this is no different. We will control what goes there and we will not put anything there that will hurt those people and that neighborhood. We studied it and made visits there. I assure you that we would not put anything there such as a club, a service station, or something that will disrupt those people because that is not what we do. We must do our due diligence and study whatever situation comes before us. We have studied and investigated it carefully. We have gotten legal advice and have looked at the ordinance. We want to be fair."

Councilmember Stroman stated, "I do not agree with some things that you said. Two or three years ago, we spent about \$20,000 on a study that recommended O-I, Office Institutional and that is why I am staying with O-I. As far as control, Council will not have any control on this property. I would like to hear from our attorney."

Mayor Butler stated, "We will ask our City Attorney to speak because that is not what we were told."

City Attorney Kozlarek stated, "Any development that would go there would follow the City's typical Land Use Development whether those items would go before the Planning Commission, the Zoning Administrator, or the Board of Zoning Appeals for variance for example. Those would be part of the typical City Land Development process. Whether any of those items would come before Council specifically, I would have to look in the Land Use regulations for the specific requested use. But any development would follow the typical City process regardless of the zoning. Whether the property is rezoned tonight or not, any development on a piece of property must go through the City's typical development process."

Councilmember Stroman stated, "When you go to City Hall, if it is within the code, you are issued a permit. I have personally been through this before."

City Attorney Kozlarek stated, "It is whatever the requested use would be in the zoning district and whatever that typical approval process would be, it would look the same."

Councilmember Grevious asked, "To clarify, the Land Use is dictated by what is in the covenant, correct?"

City Attorney Kozlarek stated, "There are two different questions here. One is the zoning classification itself and whatever would be generally permitted within the zoning district that Council is considering or what is permitted now under the current zoning so that is one layer of analysis. Again, whatever the zoning classification is and whatever the permitted uses are, ancillary uses, conditional uses, etcetera under the City Zoning would follow the typical City development process. Again, regardless of what the zoning is, those uses may be different from each zoning district but the method of going through the process is the typical City process. If there are additional restrictions on the property that are above and beyond what the zoning would permit, then, those are things that are either enforceable by a property owners association within that area or if there is some other mechanism for enforcement within those covenants, then, it would be whatever that mechanism is. So, again, there are two different layers. The City may not necessarily have any enforcement mechanism for private covenants with the respect to the neighborhood. The City has its process and its enforcement and approval mechanism and for covenants, the individual neighborhood may have an additional separate mechanism to that area."

Councilmember Kalu asked, "In the Columbia Five Points and Main Street areas, Charleston Meeting Street area, Greenville Main Street area and Nexton area in Summerville, there are business and residential areas together. In the area we are talking about, there are already businesses there so what is the problem of allowing those buildings to be used as a business? What is the negative effect?"

Assistant City Administrator Williams stated, "I think it is a Council decision. I know the City wants to expand by not only bringing in residents, people to build or live within the City, but also to have businesses. But it is a Council decision as the way you want to grow, it is controlled by you."

Councilmember Kalu asked, "Council, what is the problem with allowing those buildings to be used as businesses?"

No one answered his question.

A motion was made by Mayor Pro Tem Keitt, seconded by Councilmember Kalu to approve second reading of an ordinance to approve a change to the Zoning District Map from O-I Office-Institutional-Residential 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: TMS# 0173-05-05-001.000, 0173-05-05-015.000, and 0173-05-05-016.000. The motion was approved 4-3. Councilmembers Hannah, Knotts and Stroman voted against the motion.

A motion was made by Councilmember Stroman, seconded by Councilmember Kalu to go into Executive Session concerning 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 S.C. Code Sec. 30-4-70(a)(2) a) Sale of Property and b) Property Option Contract c) Hillcrest Lease, d) Orangeburg County Chamber of Commerce Lease and e) DPU Legal Matter. The motion was unanimously approved.

Council did not return from Executive Session. There being no further business, the meeting was adjourned.

Respectfully submitted,

Linda McDaniel
Linda McDaniel, City Clerk





RESOLUTION

WHEREAS, Bobby L. Goodwin, faithfully served the Department of Public Utilities of the City of Orangeburg for twenty-eight years and five days with a retirement date of November 1, 2024; 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 19th day of November 2024.




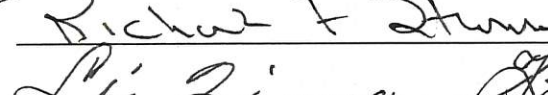


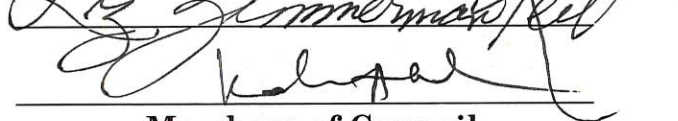
Mayor












Members of Council

ATTEST:



City Clerk