

City Council Minutes
May 20, 2025

Orangeburg City Council held its regularly scheduled meeting on Tuesday, May 20, 2025, at 6:00 pm in Council Chambers, 933 Middleton Street with Mayor Butler presiding.

PRESENT:

Michael C. Butler, Mayor

Jerry Hannah

Dr. Kalu Kalu

L. Zimmerman Keitt, Mayor Pro Tem

Sandra P. Knotts

Richard Stroman

PRESENT VIRTUALLY:

Annette Dees Grevious

Public Hearing 1, consideration of a Zoning District Map change from A-3 Residential, General District to B-1, General Business District for property belonging to Edward M. Rast located at 390 Wheeler Street TMS#0173-18-05-001.000.

Mr. Brian Holiday, 780 Nottingham Street stated, "I am the current owner of the 390 Wheeler Street property and the adjacent property. We intend to use this property as hub for our event rental business in Columbia, Greenville, Charleston, Beaufort, and Florence. We plan to hire people here in Orangeburg to help us operate."

Ms. Chris Franklin asked, "Will this raise taxes in the community?"

City Administrator Evering stated, "Taxes will not be raised on the residential area. If this property is changed to commercial, the taxes for this property will be raised to the commercial code."

Public Hearing 1 was closed.

Public Hearing 2, consideration of a Zoning District Map change from B-1, General Business District to B-2, Central Business District for properties belonging to Martin Roache located at 812 Russell Street TMS#0152-20-07-002.000 and 776 Russell Street TMS#0152-20-08-001.000.

Mr. Martin Roache, Tolly Ganly Street stated, "My partners are here tonight, and I would like to show a few slides of the project we are working on that is exciting for Orangeburg and South Carolina State University. We are not next to the Edisto Memorial Gardens, but we are close. We feel this will enliven this area. There will be retail on the first floor and student housing on the other floors for juniors, seniors, and graduate students. We have integrated quite a bit of landscaping that will make it feel nice. We have talked about how student housing has enlivened a lot of places around the nation and locally such as Columbia, Charleston, Savannah, and Rock Hill. So, if they can exist in these markets and create economic activity and stimulus, why not Orangeburg? We have two great universities here and although this initiative is based around South Carolina State University, there is a housing need in Orangeburg for students and there is a need to enliven our downtown area, and this is our goal with this project. We plan to build a state of the art facility with a great deal of landscape. There is an area on Langston Street we are trying to acquire that will house 134 parking spaces."

Ms. Joyce Rheney, Livingston Terrace stated, "I am sad and disappointed that I am here again to address an issue that I thought was settled a few months ago. The difference is this will be going south on Russell Street on the left side of the street instead of the right side of the street, but we are still addressing a four-story building. I will preface this first by saying, I am not against student housing. I just think that the Edisto Memorial Gardens is the wrong place for it. God is not making any more land, but we have a lot of land in Orangeburg and there just seems like there could be a better place for these apartments to be built. We have such open space right now and the Gardens cannot speak for themselves, but we are encroaching on it and the Gardens to me are a calling card for Orangeburg. It is wonderful you are considering landscaping, but I think this area needs to be protected, as the gardens cannot speak for themselves. The residents of Orangeburg that loves and appreciates Orangeburg speak out for them."

Mr. Martin Roache stated, "The Gardens are a great place. I think it would be a fantastic place for kids to walk around and a fantastic place to enliven the City so others, not just Orangeburg residents, can enjoy. If you have storefronts, retail activity, economic stimulus, and bodies in that area, I think more people would be drawn to the Edisto Gardens. In a study completed by the South Carolina Department of Commerce that was adopted by City Council a few weeks ago stated the main thing Orangeburg needed was people downtown and when you put people downtown, you will see economic growth downtown."

Councilmember Kalu asked, "Is this building for students? What impact do you think this structure will have on the Gardens?"

Mr. Roache stated, "It is only for juniors, seniors, and graduate students. I walk through the Gardens every day, and I enjoy it. I think others also enjoy seeing the beauty of it and walking next to the river. I do not see any reason students cannot do the same thing. We will do our best to control the governance of students and I think they will assimilate, and other people will assimilate when they see a building of this magnitude."

Public Hearing 2 was closed.

A motion was made by Councilmember Stroman, seconded by Councilmember Kalu to approve May 6, 2025, minutes. The motion was unanimously approved.

Mr. Paul Miller addressed Council concerning Columbia Road concern. He stated, "In late April, we heard noise of trees being cut and discovered someone was clear cutting and grading the lot on Columbia Road. Then I saw three separate pads for three houses. I received several phone calls from people in the neighborhood. The City of Orangeburg Interim Public Works Director stated the lot was subdivided into three parcels and making it where one house can be on each of the three parcels. I explained that in the covenants and restrictions of Berry Woods, which that lot is a part of you can only have one house on one lot. Then I discovered that two of the lots do not meet the zoning codes set forth by the City. I have spent a lot of time researching and Mr. Ladson Beach is here to address some of the issues."

Mr. Ladson Beach stated, "I am an attorney here in Orangeburg. I practice in real estate primarily and have been doing it for forty some odd years. I was born and raised here, and this town is dear to me. Paul called yesterday and explained the situation. I have only had a little time to look from a legal perspective as to what has occurred. I will give you a quick run through. On April 1, 2025, Orangeburg Property Ventures, LLC owned by Thomas Green purchased from Lloyd Bullard .65 acres lot on Columbia Road TMP# 0152-08-07-011. The following language in all caps is listed on that deed: This conveyance is made subject to the restrictive covenants recorded in deed book 412, page 515. Restrictive covenants are covenants between a landowner to control the use and development of property to those to whom he sells his property. This subdivision has been in existence since the 1960-1970s, It is a very well established subdivision on the right coming into Orangeburg from Columbia. It is one of the nicest subdivisions in Orangeburg with beautiful homes and includes several lots along Columbia Road that have not been developed. The restrictive covenants that I mentioned were made in 1975. This is in a deed from a prior owner, following is listed under Item 3: That but one residential building shall be erected on the lot here and above described. Cut and dry, one house, one lot. On April 9, a plat was prepared of this 0.65 acre lot for Thomas Green that subdivided the original lot into three smaller lots of 0.16 acre, 0.17 acre, and 0.33 acre. This is where the problem occurs as the plat on April 21st received the stamp of approval by the City Zoning Administrator and was recorded the same day. At some unknown date, we do not know when as we have not been able to get the documents yet, Mr. Green obtained a building permit. As Mr. Miller indicated, we estimate May 1 is when he started to visit Zoning Administration. There is a series of emails between the Zoning Administrator and Mr. Miller commencing May 6. We understand a Stop Work Order was issued. We have no further information as to when it was issued or the contents of that order. Statutes involving zoning and land development are under the South Carolina Local Government Comprehensive Planning Enabling Act of 1994 which is the core legal basis for all of this. SC Code Section 6-29-1145 contains the following language: Section A in an application for a permit, the local planning agency must inquire in the application or by written instructions to an applicant whether the tract or parcel of land is restricted by any recorded covenant that is contrary to conflicts with or prohibits the permitted activity. That obviously did not occur. An error was made and that is why we are here

today to ask for your help in remedying this problem. In the City of Orangeburg Land Development Ordinance adopted in 2009 it specifically states that no plat for a subdivision of land within the City shall be filed unless it is approved by the Planning Commission and complies with the Ordinance. The approval process puts all plats into four different areas an exempt subdivision, a minor subdivision, a major subdivision, or a land development project other than a subdivision. This plat because it is only three lots falls into the minor subdivision category. It is not exempt, and it is not a land development project other than a subdivision. A subdivision, by definition under Article 7, is the division of a tract, parcel, or lot of land into two or more lots or buildings. So, it is clearly a subdivision. A minor subdivision is defined as one which does not involve any of the following: a. the creation of more than five lots and that is the critical part of it. This is three lots, so it is a minor subdivision. Anything more than five is a major subdivision. In looking at what occurred there are two things. Number one is the building permit and number two is the plat approval process. The building permit is what Mr. Green obtained. On the face it does not appear to have any requirement that you disclose restrictive covenants. Mr. Green obviously knew about them. They have been on public record since 1975, and they were specifically cited in his deed. The end result is that the plat approval was listed in error. In addition, when you look at the actual plat, the zoning ordinance under Table Two lists a schedule of lot areas. The minimum area of a lot to be approved is 7,500 square feet. If you do the math, two of the three lots do not meet that requirement, so they are in violation. I would also bring to Council's attention that the City has a tree ordinance that states prior to any development, the destruction of any significant tree or destruction of more than 25% of any tree measuring 12 inches in diameter in any one parcel without the prior approval of the City Zoning Administrator which shall approve to not be unreasonably withheld shall be prohibited. So, we have a situation where apparently an error was made. We do not know what the City's position is and understand you have Executive Session later to address that issue. If possible, we would like this matter expedited. This gentleman in a matter of weeks managed to build a house quicker than any stick built house I have ever heard of in history. The people in this neighborhood want to come to Council and ask that you please remedy this situation. This error has damaged a beautiful subdivision, and it has left a scar on one of the primary entrances to the City of Orangeburg and again the people in this community are depending upon you. We certainly appreciate your time and your help in getting this resolved."

Mayor Butler stated, "Council is very sensitive to this matter. It is very serious, and I do understand this beautiful neighborhood. It is one of the oldest neighborhoods in this City. We want to apologize that the covenants are not stated on the application that is completed in the Public Works Department."

Mr. Beach stated, "To clarify there are two applications with which we are dealing. The first application is a building permit, and it is not on the building permit. If this had gone through the proper channels and been dealt with as a minor subdivision, in the middle of that application it cites the statute I mentioned stating you must disclose the restrictive covenants."

Mayor Butler stated, "We are making corrections on the application so that this will not happen again. We want to apologize for all those that live in Berry Woods because I would not want three houses on one property in my neighborhood, especially that kind of building. The City Administrator has talked to Mr. Epting to get that straight so it will not happen again."

Councilmember Kalu asked, "Based on the current information received, does this need to be an item for the next meeting?"

Attorney Kozlarek stated, "This matter is listed to be discussed in Executive Session."

Councilmember Keitt stated, "We apologize for any problems that have occurred and are doing what we can to correct what has happened."

Councilmember Hannah asked, "Thank you for your insight into this situation. I represent that district and have heard from several citizens concerning this. You come before us with a wealth of knowledge. One house is there. What would you suggest that we do from here?"

Mr. Beach stated, "I was hoping no one would ask me that question. You have much more learned counsel to assist you in looking at the issues and resolving the questions. Your statutes do have some remedies. Unfortunately, a lot of the remedies are associated with the review of various decisions and actions by a board. The traditional remedies for violation of a restrictive covenant

are usually carried out by those affected by the restrictive covenants and the violations. I do not know if the City would have standing in such a situation to bring an action for redress regarding that. Types of action are generally injunctive relief and there are civil damages and attorneys' fees that can be awarded and so forth. I have not done any research on the decisions made by either the Attorney General or the courts involving these issues."

Councilmember Kalu stated, "For clarification, after the discussion in Executive Session, where do we go from here? Do we come back and make a decision?"

City Attorney Kozlarek stated, "There is language on the agenda that reflects Council may enter Executive Session to discuss items and may return to open session to vote on any matter that is discussed. Because this matter is listed on the agenda, Council has the opportunity to return to open session."

Councilmember Stroman asked, "I heard a stop work order was posted, but they have still been working on the house. Are they allowed to finish the house or are they supposed to stop?"

City Attorney Kozlarek stated, "It is accurate that a stop work order was posted on that site."

Mayor Butler stated, "This will be discussed in Executive Session."

Councilmember Stroman asked, "It specifically says one house per lot, right?"

Mr. Beach stated, "Yes, that is clear and that is typical in just about every single subdivision. Some subdivisions, such as this one, will allow you to combine two lots and build one house on two lots. But it is clear, you cannot build two houses on one lot. I do not think a lot of interpretation needs to go into that question. It violates the restrictive covenants clearly and Mr. Green knew about it."

Mr. Miller stated, "When this started happening, I asked the Zoning Administrator why a sign was not posted for a public hearing. He stated it did not require a public hearing because it meets all standards, setbacks, etc. As I delved into it, I found out it clearly did not meet some of those things and that is why I asked Mr. Beach to come. I pray that your wisdom will work toward trying to protect our neighborhood."

Parks & Recreation Director Shawn Taylor announced the Orangeburg Recreation Park is hosting the DYS and DYB State Tournaments in June.

Councilmember Hannah asked, "We are having two separate events. Are both events profitable?"

Parks & Recreation Director Taylor stated, "Yes, the first event will bring over 600 student players to the City and 400 the next weekend with families staying about four days in Orangeburg those two weekends."

Department of Public Safety Chief Austin addressed Council concerning an update on Orangeburg Crime Statistics. He stated, "Comparison of crime during the first quarter 2024 to first quarter 2025, shows a trend downward in both violent crime and property crime. One of the concerns within our violent crime statistics is the issue with domestic violence. We are working with the courts to identify what best practices are available. Overall, we are very pleased with the direction of things, and I salute the men and women who make up the Orangeburg Department of Safety, for their continuing efforts and thank you for your support."

Councilmember Kalu asked, "What impact will the projected student apartments have on the police department? Will you increase the amount of personnel around that area?"

Chief Austin stated, "That property will already be contained within our downtown patrol sector. The personnel we have assigned per shift should be able to respond to whatever issues."

City Administrator Evering addressed Council concerning third reading of an Ordinance authorizing the option to transfer and approval of transfer, of approximately 1.78 acres of real property with improvements, if any, located at 351 Langston Street, TMS #0173-17-31-006.000. He stated, "As we discussed, this is related to Project Riverview. The initial 12-month option would run from the execution of the agreement until May 30, 2026. If two additional options are

needed, they would be for six months a piece with the first running from June 1 through December 2026 and the second running from January 1 through May 31, 2027 for \$5,000 each. There is a change I want to bring to your attention in Section 6 of the Option Agreement under Purchase and Sell Agreement. It states, The Purchase and Sale Agreement should be entered into shall pertain a provision that part of the deed transferring the property and or part of a separate recordable instrument which shall restrict the use of the property to a parking lot, serving only a student housing development. I wanted to make sure you all were aware that language would be included as previously discussed that property would be used as a parking lot."

Councilmember Hannah asked, "Are we better with the new regulations included?"

City Administrator Evering stated, "Yes, this is an option agreement that would allow the Roache Rouse Group to put an option to purchase that property. The initial 12 months period at \$10,000 and then two subsequent six-month period options if needed at \$5,000 each. The sale on the property is for \$100,000. Any purchase of the options would come off the purchase price."

A motion was made by Councilmember Hannah, seconded by Councilmember Knotts to approve third reading of an Ordinance authorizing the option to transfer and approval of transfer, of approximately 1.78 acres of real property with improvements, if any, located at 351 Langston Street, TMS #0173-17-31-006.000. The motion was approved 6-0-1. Councilmember Stroman abstained.

Assistant City Administrator Williams addressed Council concerning second reading of an ordinance for Zoning District Map change from A-3 Residential, General District to B-1 General Business District for property belonging to Edward M. Rast located at 390 Wheeler Street TMS# 0173-18-05-001.000. She stated, "This was one of the public hearings we heard tonight, and the Planning Commission signed a resolution recommending approval to Council."

A motion was made by Mayor Pro Tem Keitt, seconded by Councilmember Kalu to approve second reading of an ordinance authorizing Zoning District map Change from A-3 Residential, General District to B-1 General Business District for property belonging to Edward M. Rast located at 390 Wheeler Street TMS# 0173-18-05-001.000. The motion was unanimously approved.

Assistant City Administrator Williams addressed Council concerning second reading of an ordinance for Zoning District Map change from B-1 General Business District to B-2 Central Business District for properties belonging to Martin Roache located at 812 Russell Street TMS# 0152-20-07-002.000 and 776 Russell Street TMS# 0152-20-08-001.000. She stated, "Again it was part of the public hearings tonight and it was recommended for approval by the Planning Commission."

Mayor Butler stated, "Before we vote, I want to say something. We have strategically tried our best to build downtown and we were always told that downtown would never be built until we get people to live downtown. One of our current plans is to hopefully get people living upstairs in the downtown buildings by turning them into apartments. We have thought about this long and hard. We looked at the Gardens when they wanted apartments where the Pecan Company is located and we could not do it because it was subsidized housing, and we did not want that next to the Gardens. Martin came with a plan, and he moved up the street just a tad because we always considered the Gardens. We must get downtown back vibrate and we need to get people to live downtown. We have studied this plan and that is part of the plan. We are at the point; we must build Orangeburg. The Strategic Plan stressed that. I did not want to see anything on the edge of the Gardens. I agree with Mrs. Rheney that the Gardens cannot speak for themselves. We try to protect the Gardens, but this was moved up the street and down the hill to Highway 301 which will also make Highway 301 look good. I want to see something downtown in the corridor that will build us and that is the aim for this City."

Councilmember Stroman stated, "I am not against somebody building on Russell Street with students, I just think that is a little too far from the University. I would not want my daughter walking on Russell Street at night. We are building dormitories in front of South Carolina State University now. We turned down the pecan company. I think it should be closer to the university."

Mayor Butler stated, "It is still not enough student housing as Claflin University turned away 3,000 students this time. South Carolina State University turned down 5,000 students. It is incumbent

on us to build our City and get people housing that they can live and go to school here because this is a college town.”

Mayor Pro Tem Kalu stated, “The school stated they will have bus transportation for the students.”

Mayor Butler stated, “Yes, there will be shuttle buses.”

Councilmember Grevious stated, “I want to reiterate this is a zoning issue and what Mr. Roache is proposing is a development on private property which we do not have any say so in as long as he follows codes and ordinances in place. We had public hearings last time and this time, and I think in both public hearings it was pointed out that retail space is also something that is desired downtown. What we are voting on with this zoning issue will allow more retail space to come downtown. I wanted to point out these two things, one this is a zoning issue, and two it would allow more retail space to be developed downtown.”

A motion was made by Mayor Pro Tem Keitt seconded by Councilmember Kalu to approve second reading an ordinance authorizing Zoning District map Change from B-1 General Business District to B-2 Central Business District for properties belonging to Martin Roache located at 812 Russell Street TMS# 0152-20-07-002.000 and 776 Russell Street TMS# 0152-20-08-001.000. The motion was approved 6-0-1. Councilmember Stroman abstained.

City Administrator Evering addressed Council concerning appointments for the Employee Grievance Committee. He stated, “There are two expiring terms as of June 4, 2025, on the Employee Grievance Committee. James Seal in the Parks & Recreation Department and Leandre Felder in the Service Department are willing to serve another three year term ending June 4, 2028.”

A motion was made by Councilmember Stroman, seconded by Councilmember Knotts to approve James Seal, Parks & Recreation Department and Leandre Felder, Service Department to the Employee Grievance Committee for three year terms ending June 4, 2028. The motion was unanimously approved.

P&R Director Taylor addressed Council concerning appointments to the Accommodations Tax Advisory Committee. He stated, “Several seats on the Accommodations Tax Advisory Committee are up for renewal as follows James McQuilla, Hospitality June 2029, Shawn Taylor, Hospitality June 2027, Barbara Beach, Cultural June 2028, Rachelle Jamerson Holmes, Lodging June 2029, Roger Ideozu, At Large June 2029, and Dr. Erica Taylor, At Large, June 2028. A recommendation will be provided later for the one vacant seat.”

A motion was made by Councilmember Stroman, seconded by Mayor Pro Tem Keitt to approve the updated seats and expiration dates to the Accommodations Tax Advisory Committee as listed. The motion was unanimously approved.

A motion was made by Councilmember Stroman, seconded by Councilmember Knotts to go into Executive Session concerning Receipt of legal advice S.C. Code Section 30-4-70(a)(2) a) Annexation and b) Real Estate covenants. The motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Linda McDaniel
Linda McDaniel
City Clerk

