

CITY COUNCIL MINUTES

May 21, 2019

Orangeburg City Council held its regularly scheduled meeting on Tuesday, May 21, 2019 at 7:00 P.M., in Council Chambers with Mayor Michael C. Butler presiding.

PRESENT:

Michael C. Butler, Mayor
Bernard Haire
Charles W. Jernigan
L. Zimmerman Keitt
Sandra P. Knotts
Richard F. Stroman

ABSENT:

Jerry Hannah

A motion was made by Councilmember Knotts, seconded by Mayor Pro Tem Keitt, to approve the May 7, 2019, City Council Minutes as distributed. This motion was unanimously approved.

City Administrator and Mayor Butler presented retirement resolution and watch to Ms. Paulette Blackwell for 32 years, 6 months of service to the City of Orangeburg Administration Department.

Mr. William Green of the City of Orangeburg addressed Council. He stated, "I am here tonight on behalf of bullying. Some places in this country, the suicide rate is 30% and we need to save our children and adults. I am having a forum at the library on bullying in the job force, schools, neighborhoods, families and churches. I want the City to come aboard and work on this issue. I am going to make an appearance at the County Council on this also. There are fights and shootings that stem from bullying. I, myself, was recently exposed to bullying. I spoke at a meeting here and received a letter in the mail to my apartment. I don't know who it was, and I didn't need to make any appearances at the Council Meetings because I would be brought down. To me, I consider it to be bullying and a threat to my life because it came to my apartment. I am really on board with this and have gotten people from SCSU and Claflin involved and the other schools. That is why I am here, and I will update you as needed."

Mayor Pro Tem Keitt asked, "Have you spoken with Shaniqua Aiken?"

Mr. Green replied, "I spoke to her briefly and she is supposed to be getting in contact with me."

Mayor Pro Tem Keitt asked, "Do you have a date yet?"

Mr. Green replied, "I do not have a date yet because the library's calendar is full, and I will probably do it when school gets back in."

Mayor Pro Tem Keitt stated, "It is very important, and we have to look at what's going on. We need to do more. Whatever we can do, I will do what I can."

Mr. Green replied, "Kids are taking guns and knives to school to protect themselves."

There were no other questions or comments.

Ms. Merle K Buck of 1578 Riverbank Drive addressed Council regarding wrecks in her front yard. She stated, "We have lived here since 2002 and we understand that 65 feet of our front yard is right of way owned by SCE&G and Riverbank Drive is maintained by the State. We take pride in our yard and we maintain the easements and right of ways. Prior to Friday, May 10th, there have been several automobile accidents at 1578 Riverbank Drive and across the street as well. Our mailbox has been destroyed several times by reckless drivers as well as motorcycle drivers skidding into our yard. Recently, a car wrecked into our property and the driver fled the scene and then removed the car by digging his tires in our yard that we had to clean up. On Friday, May 10th, there was another wreck where the car skidded and flipped into our yard and the adjacent property owner's, Richard Stroman. While at work, I received calls that there were firetrucks in my yard

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and I contacted my husband. Once he returned home, he found ambulances, rescue squads, fire trucks and police vehicles in our yard. Traffic was backed up on Riverbank as well. The driver was entrapped and had to be rescued. The car and the driver were gone when I came home, so I do not have pictures of those. I do have printed pictures of the curve prior to our residence on Riverbank. The drivers are not aware of this curve coming from Pinehill to Hillsboro and are not aware of the curve coming in the opposite direction so that is why Tommy Gue has experienced the same thing in his yard. I have pictures that show the road and the bends and curves. Both of our families have grandchildren that play in the front yard and our yards are maintained and grass is cut frequently. Please look at these pictures of the ruts in the yard and the curves. I was first going to seek a speed bump, but I was informed this could not happen. We are asking instead of warning signs of the sharp curves so that will slow down these drivers. Also, I have pictures of the City where curves are 15 mph or 30 mph. The righthand tire that wrecked in our yard was 45 feet from the white line from the road."

Mayor Butler asked, "Are there any signs out there about the curve?"

Ms. Buck replied, "No."

Councilmember Haire asked, "You mentioned someone came into your yard and got stuck and left the scene. Did the police get called?"

Ms. Buck replied, "They left and came back, and the police were there when they came back."

Councilmember Jernigan asked, "In one of your pictures, I see the speed limit sign of 45 mph, is that the whole area? I thought the speed limit in the City was 35 mph in a residential area?"

City Administrator Yow stated, "Unless otherwise posted."

Chief Adams replied, "We have had 17 accidents from Moore road to Pinehill in the last three years, mostly at Hillsboro and Riverbank. There have been three at Gue and Rutledge."

Councilmember Haire asked, "Have we set up speed checks in the area?"

Chief Adams replied, "We have set up radar operations in the area and we are going to set up an electronic speed monitoring sign in the area to help educate these people."

Councilmember Stroman stated, "On May 10, I was in my yard and I heard a large crash or noise. I went around my house and there was a car in the ditch. The Service Department Supervisor, Wattie, was in the area and I told him to call the police. In about three minutes, six or eight police were there. Wattie and Chief Adams went to the car and went inside of it. We have to do something about the curve. Someone is going to get hurt if we don't do something about it."

City Administrator Yow stated, "I agree with Ms. Buck, we cannot do anything about it, but we can write the SCDOT and ask for signage and to lower the speed approaching the curve. Hopefully, they will agree to install signs just like on Columbia Road. Some of the signs on Columbia Road have been run over."

A motion was made by Councilmember Jernigan seconded by Councilmember Stroman to direct City Administrator Yow to contact SCDOT regarding signage on Riverbank regarding curves and speed. The motion was unanimous.

Mr. Grant Davis of Mauldin and Jenkins CPA's and Advisors addressed Council regarding the FY 2017-2018 audit for FY ending 9/30/2018 for the City of Orangeburg and the Department of Public Utilities. He stated, "In the Annual Financial Report on page 1, it is our Independent Audit Report under the Opinion Section, the opinion is unmodified. It is the best result you can get. Below that,

is the emphasis of matter where the City implemented GASB 75 regarding post-employment benefits. On page 4, is the Management's Discussion and Analysis. This offers financial highlights and comparison to see how things change from year to year. The following statements are specifically related to the General Fund. You can see the General Fund has six million dollars (\$6,000,000) in cash and three million dollars (\$3,000,000) in investments. That is partially offset by some liabilities of accrued salaries and some Accounts Payable. All in all, the City has a fund balance of 8.6 million dollars (\$8,600,000). The 5.9 million (\$5,900,000) in cash represents of 4 months of spending. The cash balance on hand at 9/30/2018 represents four months of that. Those are good numbers. On page 18 is the Income Statement of the General Fund and other funds. Total Revenues are 11.2 million and expenses of 18.1 million and then there is a section of Other Financing Sources which is an accounting term for proceeds of capital leases, issuance of debt, sale of assets and transfers between funds. We had a decrease in equity of \$946,000 in 2018. On page 20, DPU has unrestricted cash of 20.5 million (\$20,500,000) and restricted cash of 6.3 million (\$6,300,000) and investments of 30 million dollars (\$30,000,000) and total cash and investments of 57 million dollars (\$57,000,000). DPU had equity of 256 million dollars (\$256,000,000) as of 9/30/2018. Page 21 shows its income statement of 103 million dollars (\$103,000,000) in revenues vs. expenses of 89 million (\$89,000,000) (which includes depreciation expense which is a non-cash item) which generated income of 13 million dollars (\$13,000,000). DPU transferred 5.4 million (\$5,400,000) to the City and at the end of the year is a change of net position of 7.2 million dollars (\$7,200,000). On page 22, a couple of numbers to point out. Cash flow of 19.8 million dollars (\$19,800,000), the transfer out to the General Fund of 5.4 million dollars (\$5,400,000), the acquisition of capital assets of reinvesting in their infrastructure and paying down some debt, all in all this resulted in a decrease of cash of \$3.7 million dollars (\$3,700,000). On page 91, is the second of the two reports and it is the independent auditor's report on internal control over financial reporting and on compliance and other matters. It is not designed to offer an opinion and we did not have any instances of non-compliance and there were none to report."

Mayor Butler asked, "Overall, what do you see as far as the City, are we in good shape?"

Mr. Davis replied, "Going back through some of those numbers in cash and investments of 9 million dollars. All that results in a pretty liquid fund balance. Another thing to consider is where you are on the property tax calendar. Your year end is 9/30 and most of those taxes are already paid. In light of that, you are at your lowest point as far as cash. At the end of the day, I feel like having 9 million (\$9,000,000) in the General Fund is a good thing. That can go away pretty quickly with capital spending as personnel costs continue to rise and insurance costs are burdensome. PEBA has finally capped the retirement rates for now, but that is still going to go up a little for the next few years."

Councilmember Stroman asked, "From 2017 to 2018, did DPU have more cash?"

Mr. Davis stated, "They actually had less cash, you can see that on page 22. They had 30.6 million (\$30,600,000) in cash, restricted and non-restricted, the decrease in their cash is 3.7 million dollars (\$3,700,000). What you have to also consider is that they have paid down some debt, invested in their infrastructure of 17 million dollars and cash flows from operations totals 19.8 million dollars (\$19,800,000). DPU had a great year and they had a better year than 2017. Operating income was up by 13.2 million dollars (\$13,200,000)."

Mr. Davis overviewed Hillcrest Golf Course and the Airport. He stated, "On page 85, these are funds that are supposed to operate as a business and are supposed to be self-sustaining. If we wanted to talk about net income, we need to look at page 87. The Airport had an operating loss of \$1,180,313 which includes depreciation. If you back out the depreciation of \$931,929, you have about a \$200,000 loss. The Airport operated with a \$93,000 income and spent \$93,000 on assets."

City Administrator Yow replied, "That is a good year for the Airport operating statement."

Mr. Davis stated, "Pro Shop is really a wash. We transfer the income to Hillcrest Golf Course, so it will also show zero cash. Next is Hillcrest Golf Course with a negative cash of about \$200,000 where it used money to operate. There was a transfer from the General Fund of about \$374,000 and it purchased assets of \$174,000. To Highlight, Municipal Golf Courses are typical money losers. You can go down to Goose Creek and look at it and it is now rolled up in a recreation fund. You have to go to huge population centers to show a profit. The Golf Course is not self-sustaining

and instead of showing a big deficit and having a payable to the General Fund that we ultimately don't think it can collect. We have to wash out the accumulated loss, the General Fund is sustaining the Golf Course. Last year was the first year this was done to write off cumulative prior year's losses. It will do this every year unless something miraculous will happen. We have to assess this and if it doesn't generate positive cash flows, we have to slide over the money to make it even. That is not uncommon for golf courses."

Councilmember Haire made a motion to accept the audit presentation, seconded by Councilmember Knotts. The vote was unanimous.

Mayor stated that the next item is the appointment of the full-time Municipal Court Judge to part-time. A motion was made by Mayor Pro Tem Keitt and seconded by Councilmember Haire.

Councilmember Jernigan asked, "Why are we doing this?"

Mayor replied, "This is something that the Judge requested."

Councilmember Jernigan asked, "He asked to be put on part-time?"

Mayor stated, "Yes."

Councilmember Jernigan asked, "What are his hours going to be?"

Mayor Butler stated, "We haven't worked that out yet."

Councilmember Jernigan asked, "What are his responsibilities going to be?"

Mayor Butler stated, "We haven't worked that out yet."

Councilmember Jernigan asked, "How about his salary?"

Mayor Butler stated, "We haven't worked that out yet."

City Attorney Walsh stated, "Mr. Mayor, the code requires you make the appointment for the Municipal Judge, you appoint with his compensation."

Mayor Butler replied, "We discussed keeping him at his same salary, making him part-time and an Administrative Judge."

City Attorney Walsh stated, "That has to be part of the motion."

Mayor Butler stated, "We didn't put the salary part in with the motion."

Councilmember Jernigan asked, "What about his hours?"

Mayor Butler replied, "We haven't discussed that."

Councilmember Jernigan asked, "We are going to have two part-time judges?"

Mayor Butler replied, "One is Administrative, and one will be a part-time judge."

Councilmember Jernigan asked, "Are they going to rotate?"

Mayor Butler replied, "Yes, he is going to work every day, but we haven't discussed all of the options."

Councilmember Jernigan asked, "Is he going to work in his law practice?"

Mayor Butler replied, "He is permitted to do so if he is part-time."

Councilmember Jernigan asked, "Why did he ask to be part-time?"

Mayor Butler stated, "I cannot bring that up right now. You need to ask him yourself."

Councilmember Jernigan stated, "It is our decision."

Mayor Butler stated, "What we are discussing right now is making the motion. If you need more information, you need to ask him." 2813

Councilmember Jernigan stated, "I think the citizens have the right to know that if we are going to make him part-time and leave him at the same salary, that doesn't sound right."

Mayor Butler stated, "The rules of the municipal council states that we have the right to set his salary and make him part-time. We are exercising our right to do that."

Councilmember Jernigan stated, "I don't believe that we should make him part-time with the same salary. That isn't right."

Councilmember Stroman asked, "Will he be responsible for the whole court?"

Councilmember Jernigan asked, "Is his salary not going to change, his hours not going to change, and his duties are not going to change?"

Mayor Butler stated, "You have the right to ask him."

Councilmember Jernigan stated, "Just answer the question."

Mayor Pro Tem Keitt stated, "We discussed this in executive session and all the questions should have been asked. We need to make the motion and move on."

Councilmember Jernigan stated, "Are you saying I cannot ask these questions?"

Mayor Pro Tem Keitt stated, "I am not saying you cannot."

Councilmember Jernigan stated, "Then I am asking the question that his time, duties and salary will not be changed, but he will be called part-time. That doesn't make sense or there is something wrong with it."

Mayor Pro Tem Keitt stated, "The wording would be different because it would be an Administrative Judge."

Councilmember Jernigan stated, "I don't have a problem with that, what I have a problem with is what I just asked, and no one has told me the answers to that."

Mayor Butler stated, "You can vote no, and we gave you the rules in executive session and we are going to move on."

Councilmember Jernigan asked, "I don't think that is right, I am going to protest that. I think you are trying to sweep it under the rug so to speak and not answer my question."

Mayor Butler stated, "We read the rules to you and four people move the motion."

A motion was made by Mayor Pro Keitt to move the Municipal Court Judge to part-time Administrative Judge and his salary will remain the same, seconded by Councilmember Haire. Vote was 5-1, Councilmember Jernigan opposed.

City Administrator Yow addressed Council to bring the following to Council's attention. "There are two persons whose term has either expired or will not be able to continue to serve on the

Election Commission. It will be incumbent upon Council to make appointments to this commission."

This item was tabled until the next meeting.

Councilmember Stroman made a motion seconded by Councilmember Haire for City Administrator Yow to sign the Mutual Aid Agreement between ODPS and the City of Myrtle Beach Police Department. The motion was unanimously approved.

Assistant City Administrator Singh addressed Council regarding Opportunity Zones grant update and workshop. He stated, "I want to speak to you on a few items. We stated recently we received a grant for the Opportunity Zones to create a prospectus. There are some public meetings coming up on June 11 at 5:30 pm for a public needs' assessment. The Core Team and City Council are invited to the workshop on Wednesday, June 19 from 5:30 to 6:00 pm and on Thursday, June 20 from 4:00 pm to 5:00 pm. Also, items that we will be discussing are the Opportunity Zones of the railroad corner and the Airport. We are encouraging people to come out and attend. The meetings will be held in the Council Building."

Councilmember Haire made a motion and was seconded by Mayor Pro Tem Keitt to enter Executive Session concerning Legal Matters: 1.) Edith Dawkins-Code Enforcement and 2.) Change of Election Procedures for Candidate Filings. This motion was unanimously approved.

Councilmember Haire made a motion and was seconded by Councilmember Knotts to return to open session. The motion was unanimously approved.

City Attorney Walsh addressed Council and stated, "Council has decided to change the method of filing for candidacy from the petition method to statement of intention to run. We will need to hold a special meeting on May 28 at 12:00 Noon in order to get this done since we are on a tight deadline. The first ad will run on June 5 and the second ad will run on June 19. The ordinance sets the filing period from June 24 – July 8. Third reading of this ordinance will be June 4.

A motion was made by Mayor Pro Tem Keitt and seconded by Councilmember Haire to approve First Reading of Ordinance Adopting the Statement of Intention of Candidacy for the Election of Mayor and Council Members. The motion was unanimously approved.

There being no further business, a motion was made by Councilmember Stroman and seconded by Councilmember Haire to adjourn. The motion was unanimous.

Respectively submitted,


Carrie Johnson
City Clerk

/lrm





RESOLUTION

WHEREAS, Paulette Blackwell faithfully served the City of Orangeburg's Administration Department for thirty-two years and six months with a retirement date of May 1, 2019; and,

WHEREAS, she, through her long and faithful service, contributed greatly to the successful operation of the City of Orangeburg's Administration Department; 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 she served the City and we take pride in commending her for a job well done.

BE IT FURTHER RESOLVED that a copy of this Resolution, in appreciation for her devotion of duty to the City of Orangeburg, be placed in the Minute Book of the City and a copy furnished to Mrs. Blackwell in recognition of her services.

PASSED BY the City Council of the City of Orangeburg, State of South Carolina, this twenty-first day of May, 2019.



Michael C. Butler

MAYOR

Sam Haire

Sandra P. Kutt

James Lee

Richard L. Thomas

Chris J. Jorgin

L. J. Thomas

L. J. Thomas
MEMBERS OF COUNCIL

ATTEST:
[Signature]

CITY CLERK