

City Council Minutes
November 2, 2021

Orangeburg City Council held its regularly scheduled meeting on Facebook Live via Zoom on Tuesday, November 2, 2021, at 6:00 PM with Mayor Michael C. Butler presiding.

PRESENT:

Michael C. Butler, Mayor

Dr. Kalu Kalu, Mayor Pro Tem

Bernard Haire

Jerry Hannah

L. Zimmerman Keitt (arrived at 6:14)

Sandra P. Knotts

Richard F. Stroman

A motion was made by Councilmember Stroman seconded by Mayor Pro Tem Kalu to approve the October 19, 2021, City Council minutes. The motion was unanimously approved.

A motion was made by Mayor Pro Tem Kalu seconded by Councilmember Stroman to approve the October 25, 2021, City Council Special Meeting minutes. The motion was unanimously approved.

Mayor Butler recognized "Empathy" as the November 2021 Orangeburg County Community of Character trait. Empathy is the quality of being honest and having strong moral principles.

City Administrator Evering addressed Council concerning a \$300,000 Grant award by the South Carolina Office of Resilience for Stormwater Drainage Study. He stated, "This drainage study will determine what is causing the flooding when we receive heavy rain. Hopefully this will be the first step that we can use to mitigate flooding in the future. The study will focus specifically on helping low-to-middle-income residents in the area in and around Railroad Corner, Magnolia Street, John C. Calhoun, as well as the warehouse district off Broughton Street. I want to publicly thank Mr. Harley who brought this grant money to my attention. I also want to thank Mr. Ryan Muth our Grants Writer and the SC Office of Resilience. This is just the first step. Hopefully it will open up other funding for the City."

Mayor Butler requested Seaboard Street near the Edisto Gardens be added to the list.

Councilmember Haire requested Azalea Street also be added to the list as a couple residents have come before Council in the past concerning drainage issues.

Councilmember Knotts requested Glover Street and Stonewall Jackson Boulevard be added to the list.

Councilmember Hannah requested the corner of Ellis Avenue and Boulevard Street and under the bridge on Chestnut Street be added to the list.

City Administrator Evering stated, "We will certainly inquire about these other areas."

Assistant City Administrator Singh stated, "The study we are doing is a CDBG Grant. The CDBG funds must be used in low-to-middle-income areas of the City. A lot of the areas we have identified may not fit this. Like the Sunnyside Canal does not fit the LMI category. We have had conversations about Ellis Avenue and Azalea Street but the City may have to pay to have those areas studied."

City Administrator Evering addressed Council concerning a code enforcement update. He stated, "We have a lot of dilapidated buildings, weedy lots and other property issues that are unkept in the City. We need to make sure the City is beautiful and presentable. We have engaged a consulting firm to help us with our code enforcement efforts. Currently, we do not have the personnel power necessary to adequately enforce our code of ordinances to get the City where it needs to be. I wanted to share this information with Council and to notify the public that we are taking a more aggressive approach in our code enforcement. In order for the City to attract business, tourism and industry, we have to take pride in our City and our community. I have asked our PIO to work

with the media to get the word out, if you have dilapidated property, weedy lots or unkept property that are in violation of our code of ordinances that we will be taking a more aggressive approach to bring you in compliance.”

Councilmember Haire asked, “There are a number of dilapidated homes that the owners cannot afford to do any better. Can you have the Grants Writer look to see if there are grants available for these homeowners?”

City Administrator Evering stated, “Yes that is something we can do. Trust me, I am very cognizant there might be folks that may not have the financial wherewithal to always comply. There are a number of properties owners of dilapidated buildings that do not live in Orangeburg. Their property is unkept and they are not here to notice it. We want to make sure we are upholding our Ordinances and enforcing them in a way that is beneficial to the City.”

Mayor Pro Tem Kalu asked, “What do you have in mind when you use the word aggressive?”

City Administrator Evering stated, “Basically sending out notices and citations. A lot of these properties are going unchecked. Or we start the process, but we do not follow through and complete the process because we do not have enough people power. By engaging this national company with over 25 years’ experience in this field, we are really buttressing our ability to do the process.”

Mayor Pro Tem Kalu stated, “There is going to be an expense on our part. If we notice a lot of people are not doing what they are supposed to be doing, how do we recoup what we are spending out?”

City Administrator Evering stated, “We can recoup it in terms of investment if we have investors and businesses coming to our town and increasing the tax base. It is an investment on our part on the front end to make sure our City is as presentable as it should be and can be.”

Mayor Pro Tem Kalu asked, “Will the City take over the buildings or properties that are not being taken care of by the owner?”

City Administrator Evering stated, “No not necessarily. We can condemn or demolish them if necessary if we get to that point where they are abandoned, and we have given the proper notice and proper channels.”

Mayor Butler stated, “The City will be enforcing the rules and ordinances Council has put in place for dilapidated properties. The owner should be held accountable for their property. We will not be insensitive to people that do not have the ability. There are buildings owners that live in other states, and they are able to come here and bring their buildings up to code or sell them. We cannot continue to allow our City to sit like this and not do anything. We only have two code enforcers for the entire City. As it relates to economic development, appearance is everything. I do support code enforcement and I applaud you for taking an aggressive effort to enforce what we have in place.”

City Administrator Evering stated, “I ask for your continued support. As you all know, you may receive calls. I ask that you hold firm. We want to be firm and equitable to everybody but by the same token, we have to hold folks accountable for their properties like anyone else. That is the only way we are going to get this done and get it done right.”

Councilmember Hannah asked, “Will litter and loose animals be enforced by this new company?”

City Administrator Evering stated, “Currently, it is primarily on unkept properties, abandon houses, dilapidated buildings and weedy lots. But we can look into it. Litter is a pride thing ultimately by having pride in your community and having pride in where you live. When people have pride in their property it will catch on. For example, the new County library just held their grand opening. It is a beautiful new facility. It is an eyesore to see two blocks down abandoned and dilapidated buildings. Those are the types of things we want to improve upon citywide not just downtown. We need attention everywhere.”

Mayor Pro Tem Kalu asked, "When taking all the steps, informing the owner of the building or property and we have done everything we can do to beautify those areas, and nothing has been done by the owner. Where do we go from there?"

City Administrator Evering stated, "We then follow through with what the law allows us to do. It may be demolishing the building or cleaning up the property at the owner's expense. Whatever the legal options are, is what we will take. When I say aggressive, what I mean is to put more effort into it. We have not been able to do that, because we do not have enough people power. As the Mayor alluded to, we only have two code enforcement officers for the entire City. Not saying they are not doing a good job; we just need to give it more attention."

Councilmember Stroman asked, "When will this go into effect?"

City Administrator Evering stated, "We have already engaged the company and it is in effect now. We have provided them a list of properties to start on. I wanted to get the word out to Council and the public."

Assistant City Administrator John Singh addressed Council concerning first reading of an Ordinance amending and restating the Business License Ordinance of the City of Orangeburg, SC; to make certain other modifications to the City's Business License procedures; and other matters related thereto. He stated, "The Business License Ordinance you have before you will make the City compliant with the State of South Carolina's legislation that all County and City entities conform to a uniform business license. As a reminder, we did a lot of the work last year and this year we have the ordinance prepared. Attorney Lawrence Flynn is online to help answer any questions you may have as he crafted this Ordinance. We had to get our Ordinance to align with all the tables and codes that the state has set up through the Municipal Association. This way licensing would be the same in each city and the renewal date for the entire State of South Carolina is the same. It makes it easier and less confusing for businesses. Businesses can still come into our office, or they can go online through the portal the state has set up and get their licenses for anywhere in the state. This helps make it a uniform process. The portal is in the testing stage with plans for it to be ready January 1, 2022. In order to get this aligned, we had to adjust the fee amount in the tables when we switched from SIC codes to NAICS codes. Some folks saw an increase in their license, some folks saw a decrease in their license and others did not see much change. We tried to make that as accommodating as possible to all our businesses here in the City. We brought it to revenue neutral so that we did not see a dramatic change in the revenue coming in from business licenses. We will have a Public Hearing at the next meeting as your constituents may have some questions. I will remind you that we have been through the tables. If we try to make major adjustments to tables then we will begin to go out of sync one way or another."

Attorney Lawrence Flynn addressed Council, he stated, "As Council may remember late last year, we went through the process of setting the table, so this is the second step in becoming fully compliant with the new business license statute. We reset the business license year, we adjusted the codes and I think the most important thing recognized out of this is there is not a ton of discretion. The Ordinance, in many respects, tracks very explicitly to the terms of the new business license statute that was passed by the legislature. In implementing these changes, we are required to be revenue neutral by state law. It is a process of give and take where there will be winners and losers depending on categories and classifications, but overall, it keeps the revenue line item for the City's budget purposes generally in line with prior revenue line items in prior years. That is not to say that it cannot be adjusted or reviewed on a going forward basis. At least now, we will have a uniform process by which business licenses are due statewide. The portal will be a good option for people that want to use it and have multiple filing locations."

Councilmember Haire asked, "Based on tables you have now, is the City of Orangeburg gaining or loosing now?"

Assistant City Administrator Singh stated, "We are revenue neutral meaning that we have not gone up or down."

Attorney Flynn stated, "Neutral does not mean you have to be zero. The determination was that you needed to be on one percent on either side of the prior year's revenue."

Councilmember Haire asked, "Item 7-2.19 in the Ordinance states any person violating any provision of this Chapter shall be deemed guilty of an offense shall be subject to a fine of up to \$500 or imprisonment for not more than thirty (30) days or both, upon conviction. When this person is in violation, each day he/she is subject to the \$500 fine and imprisonment of thirty day? Do other states have similar violations?"

Attorney Flynn stated, "This is the language on the criminality of business license violations in the Municipal Association templet code. Yes, there are other states that have the Business License Ordinances in place. I am not barred to practice in other states so I cannot speak to the enforcement or legality. When Council adopts this Ordinance, you are making a legislative action. So, if someone were to violate it, they are violating the law of the City of Orangeburg so there must be a standard held in place subjecting them to potential criminal sanctions for failing to comply with the terms of the law set by City Council. If someone is fined, it will still need to go before a Municipal Judge for determination as to whether this would be enforced."

Councilmember Haire asked, "When putting this together for all the counties and cities in South Carolina, did you find that smaller towns suffered more than bigger cities as it relates to being revenue neutral?"

Attorney Flynn stated, "When we talk about revenue neutrality, the idea there is, it is not supposed to benefit you, but it also is not supposed to burden you. In deciding as to how you apply your business licensing, you are supposed to look at all the businesses and basically solve to a target where the revenues to be derived for fiscal 2022 should be substantial to the revenues derived for the fiscal 2021 business license year. Each City large or small has taken the exact same formalization that you have taken with the result being a revenue neutral value."

Assistant City Administrator Singh stated, "This is a mandated legislature from the state level."

Councilmember Haire stated, "It is a violation of Home Rule."

Councilmember Hannah asked, "How will annexation work with this? How will we enforce it? How will food vendors or day vendors work?"

Assistant City Administrator Singh stated, "Annexation will fall in line since Orangeburg County has a business license and the City has a business license, it would fall under prorations. If they have paid the County license, they are covered until it renews. Concerning day vendors and food trucks, we are going to look at the smaller vendors before the second reading as it went from \$25 to \$40. This would put a strain of profits for day vendors. The enforcement would still be the same as it is now. Our Code Enforcement staff does assist our Finance Department in writing citations. DHEC has stopped coming to festivals and inspecting for several years now. We will notate to see if we can address it."

A motion was made by Mayor Pro Tem Kalu, seconded by Councilmember Keitt to approve the first reading of an Ordinance amending and restating the Business License Ordinance of the City of Orangeburg, SC to make certain other modifications to the City's Business License procedures; and other matters related thereto. The motion was approved 6-1. Councilmember Haire opposed.

A motion was made by Councilmember Keitt, seconded by Councilmember Stroman to go into Executive Session concerning Legal Matter (a) Wastewater Division Claim S.C. Code Sec. 30-4-70 (a) (2), Contractual Matter (a) Electric Power Supply Contract S. C. Code Sec. 30-4-70 (a) (2) and Personnel Matter (a) Discussion of Personnel Matter – Finance Department S. C. Code Sec. 30-4-70 (a) (1). The motion was unanimously approved.

Council did not return to open session. There being no further business the meeting was adjourned.

Respectfully submitted,

Linda McDaniel
City Clerk

