

CITY COUNCIL MINUTES

April 16, 2020

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Orangeburg City Council held a special emergency meeting on Facebook Live via Zoom on Thursday, April 16, 2020 at 12:00 P.M., with Mayor Michael C. Butler presiding.

PRESENT:

Michael C. Butler, Mayor
Dr. Kalu Kalu

PRESENT BY TELEPHONE:

Bernard Haire
Jerry Hannah*
L. Zimmerman Keitt
Sandra P. Knotts
Richard F. Stroman

ABSENT:

None

***Voted by email**

Since most of Council was present by phone and not in person due to COVID-19, Mayor Butler initially gave some instructions for councilmembers. He informed councilmembers when it was time to vote, he would call each councilmembers name individually. Mayor began with a roll call to establish who was present either in person or by phone.

Warren Harley, Manager of Department of Public Utilities stated, "Thank you Council for all the support given to Mr. Yow, me, and all the City employees during this difficult time. We continue to press forward as we try to provide the services to our community. The item before you concerns the extension of a policy to suspend disconnections of utilities for nonpayment. As you recall, the Governor of South Carolina, Mr. McMaster, requested that all utilities forego disconnection for nonpayment during the COVID-19 event which we have followed. Just to give you an update, we are monitoring daily the number of unpaid accounts related to this event. We suspended disconnections on March 16th. As of March 16th, that day, we had 205 delinquent accounts and we have tracked them every day since. As of yesterday's, close of business, we had 3,060 delinquent accounts. We certainly understand this is a direct correlation to what is going on. I want to inform Council that as this number grows, we have to manage our ability to operate in terms of cash flow and other things, but just keep in mind that the total current balance associated with that number of delinquent accounts is \$1.6 million. I feel that it's important to tell Council that if this number continues to grow, we could see anywhere from \$1.5 to \$3 million impact on DPU's budget. We are working with citizens in helping them manage ways to pay and so we encourage them to pay what they can so when this is over, they are not left with a huge, unmanageable debt. As we continue to monitor this event to make sure we can manage and provide services required to our citizens, I would ask that Council consider extending this policy as is until May 18th, 2020 at which time we will evaluate where we are as well as our current operating conditions. We would be able to evaluate what steps to take in the next 30 days."

Mayor Butler asked, "Are you talking about 30 days from tomorrow?"

Mr. Harley responded, "It is 32 days until May 18th which is a Monday, but we can adjust if need be."

Councilmember Keitt asked, "Is there any way we could extend it to the 30th of May and then look at it and see where we are because that would give a little more time."

Mayor Pro Tem Kalu asked, "Mr. Harley, can you document the dollar amount the City would have received under normal circumstances?"

Mr. Harley said, "As of yesterday, the documented dollar amount outstanding is \$1.6 million related to these delinquent accounts. This number changes daily and we are monitoring it every day. I can give an update to Council at any time."

Mayor Pro Tem Kalu stated, "I was really asking if we are monitoring the surcharge for delinquent accounts also."

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Mr. Harley stated, "Yes, we do monitor that too. They are not tallying that onto the account, but they do know what that number should be. If Council wants to extend to May 30th, we can manage that as well."

A motion was made by Councilmember Keitt, seconded by Mayor Pro Tem Kalu to extend the policy to suspend disconnection of utilities for nonpayment to May 30th. The motion was unanimously approved.

City Administrator Yow stated, "I am going to begin with a brief history of some actions that the City has taken during this period. On March 3rd, the City provided correspondence to all employees to raise their awareness of COVID-19 and promote safe workplace practices. On March 17th, the City further implemented a plan to promote a safe work environment for employees to provide compensation through April 7th and to provide essential services to our citizens. On April 9th, the Mayor issued a letter outlining the continued commitment for compensation through April 22nd and again providing essential services for citizens. On April 1st, the US Department of Labor enacted the Families First Coronavirus Response Act (FFCRA). Fortunately, the plan that we adopted internally met 90% of the Federal Act and we immediately took further steps for full compliance. After consultation with our Human Resources team and labor attorney, Mr. Harley and I recommend that we go on record as officially adopting the FFCRA and further apply its provisions beginning April 23rd which is the day after our current compensation plan expires. That, also, Mr. Mayor, would need a motion by City Council and we'll be happy to try to address any questions."

Mayor Butler replied, "Mr. Yow, I want to make sure we understand. Please give us a little more information about this."

City Administrator Yow replied, "The plan outlined in your packet basically extends compensation for an additional 80 hours and then there are various categories that employees would qualify for compensation under the Federal plan. It also addresses part-time employees for the average hours they would have received during that period. And again, Sir, we think this fully meets and exceeds the Federal requirements."

Mayor Butler stated, "We have before us the adoption of Families First Coronavirus Response Act (FFCRA). Is there any discussion on this from Council?"

Councilmember Haire stated "Yes Mayor, I need to know the adoption of the FFCRA as it relates to our employees. If Council does not extend this, are there plans to do tests of all employees to see whether any of them are carrying the virus? It doesn't make sense to have people come back to work if they're carriers of the Coronavirus."

City Administrator Yow replied, "A couple of points here, Mr. Haire. Thank you for the question. When this plan expires it does not necessarily mean that the employees who are currently not working would return to work. It could mean, they would start using annual leave. Some employees are currently working as isolated employees or working from home. It does not mean that all the employees that are currently out would immediately return to work. I believe there may have been some guidelines that you cannot require employees to be tested within. Is this correct Ms. Williams?"

Human Recourse Officer, Theresa Williams, replied, "That is correct without proper protocol for all in place."

City Administrator Yow continued, "The Federal law actually prohibits you from requiring them to be tested."

Councilmember Knotts asked, "What is the expiration date for the current policy?"

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City Administrator Yow replied, "Our current compensation plan runs through April 22nd, which is one reason that we wanted to hold the meeting today which is several days before that expires so we can get correspondence to employees in a timely manner. This new compensation would begin on April 23rd."

Mayor Pro Tem Kalu asked, "When we start April 23rd and an employee is still sick, do they jump right into PTO?"

City Administrator Yow replied, "No, we will not bring any employee back that is sick. On occasions that we have had employees that we thought were potentially exposed over the last month, we have quarantined them and removed them from the work schedule. Even though they haven't tested positive, if we think they have been exposed we have given them time off up to 14 days. We have been very careful and again I would not say what department, but we have done that for about three employees over the last month."

Mayor Pro Tem Kalu asked, "But beyond the 14 days, do you jump into the PTO?"

City Administrator Yow replied, "In regard to quarantine, nothing is tied to any time period. Nothing in the compensation package is tied to the quarantine."

Councilmember Haire asked, "Have we applied for the benefits from the government as it relates to the insurance money, stimulus money?"

City Administrator Yow replied, "We have our finance staff researching any monies we can apply for. I'm sure you saw in the newspaper that we received money for the airport. We are going to apply for any funds that we can receive."

Councilmember Haire asked, "How did we receive money for the airport wherein we have not received monies for other things. We applied for them?"

City Administrator Yow replied, "No we did not apply for it. The airport grant was included in a Federal Act."

Councilmember Haire stated, "A Federal Act that automatically sent us money not knowing what we needed or anything like that?"

City Administrator Yow replied, "We haven't received the money yet. It's saying that we are going to receive it."

Councilmember Haire said "What you're saying is we're in line to get monies from the feds for our airport, right?"

City Administrator Yow said, "That is our understanding that monies were allotted to general aviation airports, which, of course, we are. There will be an application process that we have to go through or reporting process."

Councilmember Haire stated, "Okay, but there was an application process to apply for stimulus funds. We didn't apply for those or what?"

City Administrator Yow replied, "We will be applying for those funds when we have all our numbers and all of the information from the Federal government to apply."

Councilmember Haire asked "When you say apply for them, you know how much money you've spent already. You can't apply for that and then anything else that develops apply for that later? Because I'm hearing that monies are running out. Now if monies are running out, I don't know whether it's in this particular category. If monies are running out and we have not applied, then we are apt to get nothing."

City Administrator Yow stated, "We will apply for everything we are eligible for in a timely fashion."

Mayor Butler stated, "There are timelines to apply for money in the stimulus package and the City is going to research it and get all the numbers together and then apply for money that we have spent during this time. We will entertain a motion for Item #2."

Councilmember Haire made a motion, seconded by Councilmember Keitt that we **2891** adopt the Employee Families First Coronavirus Response Act (FFCRA) and that we extend the current pay plan for an additional 30 days after the expiration date of April 22nd. The motion was unanimously approved.

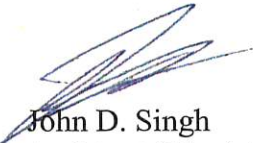
City Administrator Yow stated, "On Item #3, I will also go through a brief history. On April 8th, Mayor Butler issued a Mayoral Proclamation declaring a state of emergency within the City of Orangeburg. Included in this Proclamation was a curfew. This was done in accordance with Chapter 2, Section 13.2 of the City Code of Ordinances. It also granted Mayor authority to govern for 14 days. Of course, that time period also expires on April 22nd. We are now recommending that City Council pass an emergency ordinance extending and ratifying the Mayoral Proclamation of April 8th. The authority for this emergency ordinance is found in State Statute 5-7-250. I would like to point out that this would become effective today instead of May 23rd and this would also include an extension of the curfew and the home delivery requirement. Then, lastly, I'd like to point out that included in this action, the Mayor would have the authority within the time frame outlined in this ordinance to repeal any curfew or any other conditions. So, for instance, as you can see this is pulled from the State Statute expiring in 61 days, but anytime during that period, as an example, the Mayor could repeal the curfew in 30 days or 14 days or any period."

Councilmember Haire made a motion, seconded by Mayor Pro Tem Kalu that we extend and ratify the Mayor's Proclamation dated April 8, 2020 declaring a State of Emergency and Curfew in the City of Orangeburg, including the establishment, membership and authority of the Committee of Disaster Services, authority to hold remote council meetings, the declaration of curfew and its enforcement and adoption of home delivery regulations. The motion was unanimously approved.

Mayor Butler stated, "Thank you all for your time and your efforts to help us. We appreciate what you do for the City. Let's continue to be safe."

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

Respectively submitted,


John D. Singh
Assistant City Administrator

/lhh

