



**AMENDED AGENDA**  
**Orangeburg City Council**  
**Special Meeting**  
**Tuesday, June 30, 2020**  
**12:00 noon**

1. Consideration of June 4, 2020 City Council Minutes

**EXECUTIVE SESSION**

2. Legal matter [S.C. Code Sec. 30-4-70 (2)]: Heritage Act and Confederate statue removal

**RETURN TO OPEN SESSION**

**NEW BUSINESS**

3. Resolution to remove the Confederate statue located at Courthouse Square
4. Resolution to rename John C. Calhoun Drive
5. Resolution prohibiting the use of chokeholds and strangle holds and directing amendment of Department of Public Safety Policy and Procedures
6. Ordinance requiring individuals to wear face coverings in retail and foodservice establishments and matters related thereto

**MATTERS PERTAINING TO THE DEPARTMENT OF PUBLIC UTILITIES**

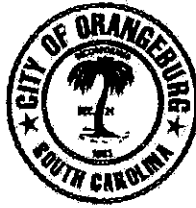
7. Status of DPU delinquent accounts
8. Resolution authorizing the waiver of water and wastewater impact and tap fees for construction of the Orangeburg County Library

**John H. Yow**  
**City Administrator**

To abide by CDC social distancing guidelines, the Special Meeting will be conducted via Zoom and will be available for live public viewing on the City's Facebook account at <https://www.facebook.com/cityoforangeburg>.

Public comments and/or questions can be made before, during or after the meeting by emailing [publiccomment@orangeburg.sc.us](mailto:publiccomment@orangeburg.sc.us). Comments made by 12 noon Monday June 29, 2020 will be provided to City Council prior to the Meeting. At the conclusion of the Council meeting, any additional questions and comments will be provided City Council for review.

**Community of Character Trait**  
**June 2020**  
**"Cooperation"**



**RESOLUTION OF THE CITY OF ORANGEBURG, SOUTH CAROLINA TO REMOVE  
THE CONFEDERATE STATUE LOCATED AT "COURTHOUSE SQUARE" IN THE  
CITY OF ORANGEBURG**

- WHEREAS,** statues honoring Confederate dead soldiers installed in Orangeburg and many other communities in the South in the late 19<sup>th</sup> and early 20<sup>th</sup> Centuries are widely perceived as offensive and painful public reminders of the legacy of slavery and present realities of systemic racism in our country; and
- WHEREAS,** a statue honoring the Confederate dead soldiers of Orangeburg District during the years 1861-1865 currently stands in what was previously referred to as "Courthouse Square" on land owned by the City; and
- WHEREAS,** the statue was paid for and erected by the women of Orangeburg County; and
- WHEREAS,** citizens and residents of the City and County of Orangeburg have issued a clear call to remove the statue as expeditiously as possible due to the harm it poses, and
- WHEREAS,** the City of Orangeburg recognizes that the legacy of slavery, institutional segregation and ongoing systemic racism directly deepens racial division; and
- WHEREAS,** the City of Orangeburg is committed to the elimination of racial division and the promotion of racial equity and justice, and desires to express this commitment through this resolution; and
- WHEREAS,** the City of Orangeburg desires to remove the said statue from the grounds of "Courthouse Square".

**NOW, THEREFORE, BE IT RESOLVED,** by City Council of the City of Orangeburg duly assembled this \_\_\_\_ day of June, 2020 that the City hereby approves and directs the removal of the Confederate statue located on the grounds of "Courthouse Square" in the City of Orangeburg immediately after approval and authorization to do so is granted by the South Carolina State General Assembly.

**BE IT FURTHER RESOLVED,** that a copy of this Resolution be provided the Speaker of the South Carolina House of Representatives, the President of the South Carolina Senate and the Orangeburg County Legislative Delegation requesting their support, approval and authorization of the removal of said statue as required by South Carolina Code Section 10-1-165, commonly referred to as the "Heritage Act".

ITEM NO. \_\_\_\_\_

3





## RESOLUTION TO RENAME JOHN C. CALHOUN DRIVE

- WHEREAS,** John C. Calhoun was a South Carolina Senator and Vice President of the United States who supported the institution of slavery and believed in the inequality of races; and
- WHEREAS,** while the City does not intend to forget the history of his efforts as a statesman and his public service, City Council cannot ignore the positions on slavery and discrimination advocated by John C. Calhoun; and
- WHEREAS,** John C. Calhoun Drive is traveled daily by citizens of the City and is seen by many people as something other than a memorial to the accomplishments of a South Carolina native, but rather a symbol glorifying slavery and as such, a painful reminder of the history of slavery in South Carolina; and
- WHEREAS,** the voices of protest that have been raised throughout our country and in the City of Orangeburg following the death of George Floyd in Minneapolis, Minnesota remind us that racism and inequality have existed in this country for centuries; and
- WHEREAS,** the City finds that racism and inequality have no place in our society and that the legacy of slavery, institutional segregation, and ongoing systemic racism directly harm public safety and public health; and
- WHEREAS,** the City of Orangeburg is committed to promoting racial equality and justice and desires to express this commitment through this Resolution; and
- WHEREAS,** City Council has determined that it is fitting and in the best interests and welfare of the City that John C. Calhoun Drive be renamed.

**NOW, THEREFORE, BE IT RESOLVED,** by City Council of the City of Orangeburg duly assembled this \_\_\_\_ day of June, 2020 that John C. Calhoun Drive be renamed after approval and authorization to do so is granted by the South Carolina State General Assembly.

**BE IT FURTHER RESOLVED,** that City Council shall appoint a committee consisting of not more than ten (10) City residents which shall recommend to City Council three (3) street names. City Council shall adopt by resolution one (1) of the three (3) submitted names for renaming John C. Calhoun Drive and along with this Resolution shall be submitted for approval as set forth below.

**BE IT FURTHER RESOLVED,** that a copy of this Resolution and the above Resolution adopting the new street name be provided the Speaker of the South Carolina House of Representatives, the President of the South Carolina Senate and the Orangeburg County Legislative Delegation requesting their support, approval and authorization to rename John C. Calhoun Drive as required by South Carolina Code Section 10-1-165, commonly referred to as the "Heritage Act".

**PASSED BY** the City Council of the City of Orangeburg, South Carolina, on this \_\_\_\_\_ day of June, 2020.

\_\_\_\_\_  
Mayor

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\_\_\_\_\_  
Members of Council

Attest: \_\_\_\_\_  
City Clerk



**RESOLUTION PROHIBITING THE USE OF CHOKEHOLDS AND STRANGLE HOLDS IN THE CITY OF ORANGEBURG**

- WHEREAS,** the City's Department of Public Safety is accredited by the Commission on Accreditation of Law Enforcement Agencies (CALEA) and the South Carolina Law Enforcement Accreditation (SCLEA), and
- WHEREAS,** the law enforcement officers of the Department of Public Safety are required to attend and complete officer certification through the South Carolina Criminal Justice Academy, and
- WHEREAS,** the use of chokeholds and strangle holds are not included in the training of law enforcement officers by the South Carolina Criminal Justice Academy, and
- WHEREAS,** it has never been the policy of the City of Orangeburg's Department of Public Safety to use chokeholds and strangle holds in its law enforcement functions, and
- WHEREAS,** it is now the intent of City Council to adopt and document a policy prohibiting chokeholds and strangle holds.

**NOW, THEREFORE, BE IT RESOLVED,** in Council duly assembled this \_\_\_\_\_ day of June, 2020 that the use of chokeholds and strangle holds by law enforcement officers of its Department of Public Safety of the City of Orangeburg is hereby prohibited.

**BE IT FURTHER RESOLVED,** that the Director of the Department of Public Safety is hereby directed to amend its policy and procedures by prohibiting the use of chokeholds and strangle holds and that all present officers of said department and all future officers shall be provided notice of said prohibition.

**PASSED BY** the City Council of the City of Orangeburg, South Carolina, on this \_\_\_\_\_ day of June, 2020.

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Mayor

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Members of Council

Attest: \_\_\_\_\_  
City Clerk

ITEM NO. 5



ORDINANCE NO. 2020-\_\_\_\_\_

**REQUIRING INDIVIDUALS TO WEAR FACE COVERINGS IN RETAIL AND FOODSERVICE ESTABLISHMENTS,  
AND MATTERS RELATED THERETO**

**WHEREAS**, the 2019 Novel Coronavirus ("COVID-19") is a respiratory disease that can result in serious illness or death by the SARS-CoV-2 virus, which is a new strain of coronavirus previously unidentified in humans and which can spread from person to person;

**WHEREAS**, the World Health Organization declared COVID-19 a Public Health Emergency of International Concern on January 30, 2020;

**WHEREAS**, the Centers for Disease Control and Prevention (the "CDC") has warned of the high public health threat posed by COVID-19 globally and in the United States;

**WHEREAS**, on January 31, 2020, the United States Department of Health and Human Services Secretary declared a public health emergency in the United States for COVID-19 under Section 391 of the Public Health Service Act;

**WHEREAS**, on March 13, 2020, the President of the United States declared that the COVID-19 outbreak in the United States constitutes a national emergency, which began on March 1, 2020;

**WHEREAS**, also on March 13, 2020, the Governor of the State of South Carolina (the "State") issued Executive Order 2020-08, declaring a State of Emergency based on a determination that the COVID-19 poses an actual or imminent public health emergency for the State;

**WHEREAS**, the Governor of the State has subsequently declared a continued State of Emergency in Executive Orders 2020-15 (March 28), 2020-23 (April 12), 2020-29 (April 27), 2020-35 (May 12), 2020-38 (May 27), and 2020-40 (June 11);

**WHEREAS**, the State is experiencing a dramatic increase in the number of identified new COVID-19 cases, and as of June 25, 2020, the South Carolina Department of Health and Environmental Control ("DHEC") is reporting that there have been 27,842 confirmed COVID-19 cases and 683 confirmed COVID-19 deaths in the State;

**WHEREAS**, if COVID-19 cases continue to increase in the State and in the City of Orangeburg, the demand for medical, pharmaceutical, personal, and general cleaning supplies may overwhelm sources of supply; the private and public sector work force may be negatively impacted by absenteeism; and the demand for medical facilities may exceed locally available resources;

**WHEREAS**, health authorities, including the CDC, the Surgeon General of the United States, and DHEC have recommended the use of face coverings as a means of preventing the spread of COVID-19; and

**WHEREAS**, S.C. Code § 5-7-250(d) provides that "[t]o meet public emergencies affecting life, health, safety or the property of the people, council may adopt emergency ordinances ... by the affirmative vote of at least two-thirds of the members of council present. An emergency ordinance is effective immediately upon its enactment without regard to any reading, public hearing, publication requirements, or public notice requirements. Emergency ordinances shall expire automatically as of the sixty-first day following the date of enactment;"

**WHEREAS**, the City Council of the City of Orangeburg has determined, based on the recommendations of public health experts and responsive to a serious threat to the public health, safety, and welfare of its citizens; that it would serve the public interest and be within the City's police powers under Home Rule and S.C. Code § 5-7-60 to require that individuals wear face coverings in certain situations and locations;

**WHEREAS**, the South Carolina Attorney General, on June 25, 2020, issued a public statement that enacting local mask requirements is within the police power of municipalities and is not preempted by State law;

ITEM NO. 6

**WHEREAS**, this Ordinance has been approved by at least two-thirds of the Councilmembers present at the meeting in which it was considered;

**NOW, THEREFORE**, be it ordained by the City Council of the City of Orangeburg as follows:

**Section 1. Definitions.** As used herein, the terms below shall have the following meanings:

- 1) "Establishment" means a Foodservice Establishment or Retail Establishment.
- 2) "Face Covering" means a uniform piece of cloth, fabric, or other material that securely covers a person's nose and mouth and remains affixed in place without the use of one's hands. Face Coverings include, but are not limited to, bandanas, medical masks, cloth masks, scarves, and gaiters, provided that they are worn such that they securely cover the person's nose and mouth.
- 3) "Foodservice Establishment" means any establishment within the City that sells prepared food on a dine-in, delivery, carry-out, or drive-through basis.
- 4) "Responsible Person," with respect to an Establishment, means any individual associated with the Establishment who has the authority and ability to enforce the requirements of the Ordinance within the Establishment, such as an owner, manager, or supervisor. "Responsible Person" may also include an employee or other designee that is present at the Establishment but does not have the title of manager or supervisor, but who has the temporary or designated authority and ability to ensure that the requirements of this Ordinance are met while the Establishment is open to the public.
- 5) "Retail Establishment" means any retail business, organization, establishment, or facility open to the public within the City, including without limitation:
  - a) grocery stores, convenience stores, and any other establishment engaged in the retail sale of non-prepared food;
  - b) commercial stores engaged in the retail sale of goods or services to the public including without limitation sporting goods stores; furniture and home-furnishings stores; clothing, shoe, and clothing-accessory stores; jewelry, luggage, and leather goods stores; department stores; hardware and home-improvement stores; book, craft, and music stores; florists and flower stores; and all other stores that sell supplies for household consumption or use;
  - c) pharmacies and other stores that sell medications or medical supplies;
  - d) alcoholic beverage stores; and
  - e) laundromats.

**Section 2. Use of Face Coverings.** Effective as of 6:00 AM on Friday, July 3, 2020:

- 1) all customers are required to wear Face Coverings while inside the enclosed area of any Retail Establishment or Foodservice Establishment;
- 2) all Retail Establishments shall require staff to wear, and those staff shall wear, Face Coverings while working in areas open to the general public and areas in which interactions with other staff are likely in which social distancing of at least six feet cannot be observed; and
- 3) all Foodservice Establishments shall require staff who interact with customers (including, without limitation, delivery personnel) to wear, and those staff shall wear, Face Coverings while working.

**Section 3. Exemptions.** Face Coverings shall not be required:

- a) in outdoor or unenclosed areas appurtenant to Retail Establishments or Foodservice Establishments in which social distancing of at least six feet is possible and observed;
- b) for people whose religious beliefs prevent them from wearing a Face Covering;
- c) for those who cannot wear a Face Covering due to a medical or behavioral condition;
- d) for children under the age of ten (10) years old, provided that adults accompanying children age two (2) through nine (9) years of age shall use reasonable efforts to cause those children to wear Face Coverings while inside the enclosed area of any Retail Establishment or Foodservice Establishment;
- e) for patrons of Foodservice Establishments while they are dining;
- f) in private, individual offices;
- g) when complying with directions of law enforcement officers;
- h) in settings where it is not practical or feasible to wear a Face Covering, including when obtaining or rendering goods or services such as the receipt of dental services or while swimming;



- i) while exclusively with members of a family or the same household, and no person other than such family or household is within the same enclosed area.

**Section 4. Individual Violations: Civil Infraction.** Any person violating the provisions of this Ordinance by failing to wear a Face Covering when required shall be guilty of a civil infraction, punishable by a penalty of not more than \$25.00. Each day of a continuing violation of this Ordinance shall be considered a separate and distinct offense.

**Section 5. Responsible Person Violations: Civil Infraction.** Any Responsible Person violating the provisions of this Ordinance by failing to require employees of the Establishment to wear a Face Covering when required shall be guilty of a civil infraction, punishable by a penalty of not more than \$100.00. Each day of a continuing violation of this Ordinance shall be considered a separate and distinct offense.

**Section 6. Responsible Person Violations: Revocation of Permits and Licenses.** In addition to the penalties established by Section 5 hereof, repeated violations of this Ordinance by a Responsible Person by failing to require employees of the Establishment to wear a Face Covering may, subject to all procedural protections set forth in the City Code of Ordinances, result in the suspension or revocation of any occupancy permit or business license issued to business where the repeated violations occurred.

**Section 7. Responsible Person Violations: Public Nuisance.** In addition to the penalties established by Section 5 hereof, repeated violations of this Ordinance by a Responsible Person by failing to require employees of the Establishment to wear a Face Covering are additionally hereby declared to be a public nuisance, which may be abated by the City by restraining order, preliminary and permanent injunction, or other means provided for by the laws of this State. The foregoing notwithstanding, every effort shall be made to bring Establishments into voluntary compliance with the terms of this Ordinance prior to the commencement of any enforcement action.

**Section 8. Duties of Establishments and Responsible Persons.** Establishments and Responsible Persons shall have a duty to enforce the provisions of this Ordinance only against employees of the Establishment. Without limiting the generality of the foregoing, no Establishment or Responsible Person shall have any duty to require that customers, visitors, or other members of the general public wear Face Coverings.

**Section 9. Suspension of Contrary Local Provisions.** During the Emergency Term (as defined in Section 12 below), any ordinance, resolution, policy, or bylaw of the City that conflicts with the provisions hereof shall be and is hereby suspended and superseded.

**Section 10. Expiration of Ordinance; Extension of Emergency Term.** As provided by S.C. Code § 5-7-250(d), this Ordinance shall expire automatically as of the sixty-first day following the date of enactment (the "Emergency Term"). Notwithstanding the foregoing, however, Council may extend the Emergency Term by emergency ordinance for one or more additional terms, each of no more than sixty days, provided that the total duration of the Emergency Term shall not exceed six months without enacting an ordinance in the ordinary course.

**Section 11. Severability.** Should any provision, section, paragraph, sentence, or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, or words of this Ordinance as hereby adopted shall remain in full force and effect.

**Section 12. Effective Date and Time.** This emergency Ordinance shall take effect at 6:00 AM on Friday, July 3, 2020.

Done and ratified in Council assembled this \_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor

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ATTEST: \_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Council members



**RESOLUTION**

**A RESOLUTION AUTHORIZING THE WAIVER OF WATER  
AND WASTEWATER IMPACT FEES FOR THE COUNTY OF ORANGEBURG**

WHEREAS, the County of Orangeburg is in the process of constructing a new county library on Russell Street in the City of Orangeburg; and

WHEREAS, the County has requested that the City waive water and wastewater impact and tap fees in accordance with the General Terms and Conditions of the City's Department of Public Utilities.

WHEREAS, the Department of Public Utilities also request that, in exchange for the waiver of associated water and wastewater tap and impact fees Orangeburg County will provide like in-kind services to the City of Orangeburg up to the amount of fees waived for the County Library.

**NOW, THEREFORE, BE IT RESOLVED BY COUNCIL DULY ASSEMBLED**, as an accommodation and concession to the County of Orangeburg, City Council hereby authorizes and directs the Department of Public Utilities to waive the impact fees for water and wastewater at the County's new library on Russell Street in the City of Orangeburg.

**AND IT IS SO RESOLVED.**

**RESOLVED BY** City Council duly assembled this \_\_\_\_ day of June, 2020.

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MAYOR

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MEMBERS OF COUNCIL

ATTEST:

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CITY CLERK

ITEM NO. 8