

Orangeburg City Council held a Special Meeting on Facebook Live via Zoom on Monday, August 31, 2020 at 10:00 AM with Mayor Michael C. Butler presiding.

PRESENT IN PERSON:

Michael C. Butler, Mayor (arrived at the beginning of Regular Meeting)
Dr. Kalu Kalu

PRESENT BY TELEPHONE:

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

ABSENT:

None

Mayor Pro Tem Kalu began with a roll call to establish who was present.

Public Hearing #1 Consideration of an Ordinance to Adopt a Budget for the City of Orangeburg, SC for the Fiscal Year beginning October 1, 2020 and ending September 30, 2020 was opened.

Assistant City Administrator Singh stated, "We are monitoring Facebook, Outlook and the phone for any comments and those will be communicated to Mayor and Council if any come in on both public hearings."

Mayor Pro Tem Kalu stated, "We will wait about five minutes and see what happens."

No comments were received.

A motion was made by Councilmember Haire, seconded by Councilmember Keitt to close Public Hearing #1. The motion was unanimously approved by roll call vote.

Public Hearing #2 Consideration of an Ordinance to Adopt a Budget for the Operation of the Department of Public Utilities for the Fiscal Year October 1, 2020 through September 30, 2021 was opened.

There was a comment from Kendall Rackley that asked, "What is DPU's plan for investing in utility-scale solar projects in the city? With the PPAs (power purchase agreements) being offered in the state of South Carolina and the tax incentives for utility companies to go towards solar, what is DPU's plan to move into this direction?"

DPU Manager Warren Harley answered, "DPU is currently evaluating strategies for opportunities in the solar market. We will be adding this to our upcoming Purchase Power Agreement with whatever company we are going to do business with. We will also be discussing this in our Strategic Planning Process to position ourselves in a way when we are able to move in that direction, we will be successful. Right now, we can not do that with our current Purchasing Power Agreement."

Councilmember Hannah asked, "What are other City utilities in South Carolina doing?"

DPU Manager Harley stated, "It would depend on how their Purchasing Power Agreements are structured. Some have done agreements on their own."

Hearing no other comments, a motion was made by Councilmember Keitt, seconded by Councilmember Stroman to close the Public Hearing #2. The motion was unanimously approved by roll call vote.

A motion was made by Mayor Pro Tem Kalu, seconded by Councilmember Keitt to approve the August 17, 2020 Special Meeting Minutes. The motion was unanimously approved by roll call vote.

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Ms. Joy Porter, Hickory Hill Road, Orangeburg made an appearance via phone concerning a DPU Water Issue. She stated, "Thank you for taking time to meet with me and allowing me to share with you my concerns. I will respect whatever decision you make. There is a discrepancy I have with DPU regarding my property and a water issue. DPU states from my meter reading that I used 357,568 gallons of water in 64 days from 12/2/19 through 2/4/2020. That is 47,300 cubic feet and 5,587 gallons per day which equates to 3 gallons per minute. If you remember during that time, there was a lot of rainfall. DPU did not read my meter in January, it was estimated. However, even at that stage, if my meter read 187,000 gallons, I still would be here. This is not just a property I stop by; I live here. I have animals in the yard, and I would have noticed them having wet feet if there was that much water in the grass. The ground was not wet or any issues in my yard. There was a small leak and the leak didn't reach the line. My brother fixed that issue. My daughter recently moved behind me. We got an old well in the shop running for her. Mr. Waymyer, a plumber, told us to let it run for seven (7) days. The two pictures presented to you were taken in August. As you can see, water puddled after running a hose for two days from that pump. I cannot believe that 357,000 gallons could be in the yard and we could not see it. That could fill two swimming pools. I do not understand the meter readings, but if that much water was leaking, I would have noticed it. I can't explain it. I know sometimes things fail. Maybe the meter reset after my brother cut the water off to fix the small leak. I usually have 300-600 cubic feet of water per month. I am asking Council's consideration. I would think that day in and out we would have noticed the water. DPU left me a note and I didn't find the note until several days later. Why can't someone be called if you notice the usage goes up. I will abide by the decision made by Council and I thank you for taking it under advisement."

DPU Manager Harley stated, "We had our team go out and check the meter. First, we did estimate her first month's bill based on her prior year's bill from the same time. I don't know why it wasn't read this particular month but sometimes we do that. When we read the meter the next month, we found that the usage was higher than normal and identified a potential leak. We tested the meter and it tested accurate. That would also explain that if it leaked the first month is because we didn't actually read her meter."

Ms. Porter replied, "You put a note on the door, but during that time there was much rain and a storm. When I was told by DPU a note was put on my door, I investigated and looked in my flower beds and there it was. I was not notified by phone. The notice had blown off my door. At that point, I can't imagine you would not have called before the note."

DPU Manager Harley replied, "We are willing to work with Ms. Porter on this as it relates to our Terms and Conditions and I would like for Mayor and Council to allow me to work with Ms. Porter on this issue."

Mayor Pro Tem Kalu stated, "I feel we need to take this under advisement and let DPU Manager work with you on this and a settlement."

Councilmember Stroman stated, "I agree with Dr. Kalu and I would like to say I do not know Ms. Porter but I would like to see DPU make an adjustment on this and work with her and if you are still not satisfied, come back to Council."

Councilmember Haire asked Ms. Porter, "Do you still have that notice you found in the yard? It would be most helpful if you have that."

Ms. Porter replied, "No, I didn't know I needed it. I feel it was standard and stated something that we believe you have a leak. That wasn't a leak that was a waterfall. When I met with Mr. Nexsen, he offered to meet me halfway. We noticed the small leaks with 200 gallons and fixed those. There is no way that we would have not noticed if it was a huge leak."

Councilmember Keitt stated, "We need to put letters in the mail when it relates to something like this."

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Mayor Butler stated, "I would like to have Ms. Porter work with DPU Manager Harley on this matter and if it is not resolved she can come back to Council."

Councilmember Haire wanted to amend the current agenda. He stated, "There was an incident that happened over the weekend of a gathering of people that were not wearing masks and were not social distancing. I would like to make a motion for the City of Orangeburg COVID-19 Committee to look into strengthening the Proclamation that was issued where persons are not social distancing or wearing masks and disturbing a neighborhood. I would like to ask that the Committee meet and see how this can be handled and come back with a confirmation addressing parties being held and the guidelines not being followed." This motion was seconded by Mayor Pro Tem Kalu. The motion was unanimously approved by roll call vote.

City Administrator Yow overviewed the current Ordinance for amending the Budget for Fiscal Year 2019-20 for the City of Orangeburg. He stated, "This reflects our current numbers and we have gone over this with City Council. I will briefly address the numbers again."

General Fund

Revenues and Expenses totaling \$18,008,277 each which shows a balanced budget and it is adding \$164,768 to Cash Reserve or Fund Balance.

Airport Fund

Revenues \$772,945

Expenses \$1,399,900

Difference \$-626,955 accounting for depreciation of \$721,088, results in positive cash flow of \$94,133

Pro Shop

Revenues \$63,635

Expenses \$63,635

We transfer the profit to the Golf Course which is estimated as \$34,356.

Golf Course

Revenues \$253,673

Expenses \$656,607

Difference -402,934, accounting for depreciation of \$46,700, resulting in a negative cash flow of \$356,233. This is after the transfer from Pro Shop also.

2% Fund – Hospitality

This fund is used to help fund capital items such as the Gardens, Recreational Complex and other items related to Tourism.

Revenues \$1,400,000

Expenses \$1,650,000

Fund Balance – We have available \$233,000 in Fund Balance.

Councilmember Keitt asked, "How many days is the Golf Course open?"

City Administrator Yow replied, "It is open Tuesday through Sunday and we are monitoring all days to see if it is feasible to possibly close on Tuesdays as well."

A motion was made by Councilmember Stroman, seconded by Councilmember Knotts to approve the second reading of an Ordinance amending the Budget for City of Orangeburg, SC for the Fiscal Year beginning October 1, 2019 and ending September 30, 2020. The motion was unanimously approved by roll call vote.

Assistant City Administrator Singh overviewed the Ordinance to adopt a budget for the City of Orangeburg for FY 2020-21. He stated, "I will give a brief overview again for the upcoming budget. Currently there has been no significant changes."

General Fund

Revenues \$22,154,484
Expenses \$22,154,484
Cash Reserves \$ 94,174

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Airport Fund

Revenues \$ 2,228,144
Expenses \$ 2,911,454
Difference \$ -683,310
Depreciation \$ 721,088
Total \$ 37,778

Pro Shop Fund

Revenues \$ 76,923
Expenses \$ 6,923

Golf Course Fund

Revenues \$ 284,378
Expenses \$ 642,727
Difference \$ -358,348
Depreciation \$ 46,700
Total \$ -311,648

Hospitality 2% Fund

Revenues \$ 1,290,500
Expenses \$ 1,443,723
Balance Used \$ 153,223

I want to highlight the following points. We have no increase in millage, it is currently at 100 mills. We are currently proposing no increase in the public utilities transfer. We have a range of the usage of fund balance. We have factored in a 1% Cost of Living.”

Councilmember Keitt asked, “How often is the Committee for the Golf Course meeting and how much input do they have? What are their suggestions and are we following any of the input they are sharing?”

Assistant City Administrator Singh replied, “Since COVID-19, they have not had a meeting. I think it is time to have a Zoom Meeting and get their suggestions. I would be happy to share the suggestions with Council.”

Councilmember Hannah stated, “As Councilmember Keitt stated, the committee has suggestions and feedback and we would like to know what that is. I think we brought that up in the budget meetings. If the old way isn’t working, we need to see if there are other suggestions to try.”

Assistant City Administrator Singh stated, “We will get with the golf pro and bring that back to the next scheduled meeting.”

A motion was made by Councilmember Keitt, seconded by Councilmember Hannah to approve the second reading of an Ordinance to adopt a Budget for the City of Orangeburg, SC for the Fiscal Year beginning October 1, 2020 and ending September 30, 2021. The motion was unanimously approved by roll call vote.

A motion was made by Councilmember Haire, seconded by Councilmember Stroman to approve the third reading of Ordinance repealing Section 2-10.5, titled “Cable Television Programming Commission”, Sections 7-1.1, 7-1.2, 7-1.3, and 7-1.4 prohibiting Sunday sales, Section 7-1.10 prohibiting sale of goods produced in communist countries, Section 5-16, titled “loitering” and Section 5-28, titled “Vagrancy” for the Code of Ordinances of the City of Orangeburg. The motion was unanimously approved by roll call vote.

City Administrator Yow stated, “Items numbered #6 and #7 are items that have been on the agenda prior to COVID-19. This has been placed on the agenda for Council’s discussion and consideration and if needed, action. The first item is a First Reading of an Ordinance for Weeds and Other

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Offensive Matters. We want to take this up with Council because of repeat offenders and to keep the City clean and give the staff more tools to work with. One of the biggest changes is that the notice given to the property owners or their agents outlined in Ordinance Section 22-6.2 where the Official will give the offender one notice in a twelve-month period. After that initial notice and violation, no repeated notice is required. The other difference is that a person is given seven (7) days after receiving or posting of the notice to remedy the violation. In fairness, that question raised some concerns. It was staff's recommendation that if we give more than seven (7) days, it must not be much more than that. As you know, when we send a notice on overgrown weeds, they are already overgrown. If we give them more than seven (7) days, it looks like the City isn't doing anything. These are the main points of the Ordinance. I feel that staff needs to bring additional ordinances back to Council on maintenance and upkeep on rental property. That would be separate."

Councilmember Haire asked, "I too would like to have the City cleaned up. I have some problems with this because I asked about several issues months ago. There are several properties that needed to be looked at and I have received nothing. I brought this up during the budget workshops. The Administrator of this program is not administering it in a fair and equitable way. If property owners are out of state, seven (7) days is not long enough especially with the mail being so erratic now. I understand that your property should be maintained but I don't think seven (7) days is enough time. Again, there are some properties that I questioned whether notices have been sent to them and nothing has been sent to me and something is wrong with the picture. I don't want to think that it is because of who it is. We are talking about this program being fair and equitable and until we are willing to do this fair, I can't support it."

Mayor Butler stated, "Let's try to get this in place and add more days and give them an opportunity to see if it works."

Councilmember Haire asked, "How many months ago was this presented?"

City Administrator Yow stated, "In late February."

Councilmember Haire stated, "If it was in February and this is now August, I doubt very seriously that those problems I asked about have even been addressed."

Mayor Butler stated, "They have been behind due to COVID-19."

Councilmember Haire stated, "You can say what you want Mayor and make excuses, but I want to be fair."

Mayor Butler stated, "We need to try to work it out because we have so many that need to be addressed all over. If there are some areas that are not getting citations, please bring them before City Council."

Councilmember Haire stated, "I did bring it to their attention, and nothing has been done."

Councilmember Knotts stated, "A week or so ago, there were some issues in my community. I want to commend David Epting and Mr. Yow about this situation. The community called me concerning the issues. During discovery, it was found that he was a repeat offender. If you are in or out of state, you should know to keep up your property and it is the owner's responsibility. Most folks know you need to cut your grass, no one needs to tell you that. This individual had numerous citations. He tried to circumvent the Ordinance. I understand the Ordinance, but it is the owner's responsibility."

Councilmember Hannah stated, "I agree with all things in the Ordinance. If we give people more time, we need to execute the Ordinance before we can get fairness. Summers Park that is City owned is in violation. It is not fair to come before Council to place an Ordinance on the general public where we as the City are in violation. We have to send a notice to the City for not taking care of our own property. I make a motion to accept the Ordinance as read."

Mayor Butler asked, "Are the days good or should we extend it?"

Councilmember Keitt stated, "The owner knows how their property is. We should stay on top of these situations so the City will look like we want it to look."

Mayor Butler asked, "With the mail being slow, are we good with the days?"

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Mayor Pro Tem Kalu stated, "I feel that with the mail, it may not be enough time. I feel seven (7) to fourteen (14) days is enough time. I recommend amending the Ordinance to fourteen (14) days."

Mayor Pro Tem Kalu made a motion to approve the first reading of Ordinance amending Chapter XXII, Sections 22.6.1, 22-6.3 and 22-6.4, titled "Weeds and Other Offensive Matter and Adding New Sections 22-6.6 and 22-6.7." with the amendment to change the days from seven (7) to fourteen (14) days, seconded by Councilmember Hannah. The motion was unanimously approved by a roll call vote.

City Administrator Yow overviewed with Council the topic of the Ban the Box initiative for the City of Orangeburg. He stated, "As you know this was one of the items that was on a previous agenda for Council's consideration and direction and was removed due to the COVID-19 outbreak. Mr. Lester Young made a presentation on the program and Council asked the Human Resource staff to bring a recommendation back to Council. We have the Director of Human Resources of DPU and the Human Resources Officer for the City with us today."

Human Resources Officer Theresa Williams of the City of Orangeburg addressed Council. She stated, "We had to find a balance of giving those with a criminal history a fair chance to be evaluated on their qualifications at the same time avoiding a negligent hiring situation. We had to think about the current hiring practice which is structured. There are panel interviews that are involved, and candidates are scored on their appearance, poise and verbal communications and job-related skills. We had to consider this structure and any impact to this structure. Another point to consider on the City side is the Department of Public Safety applicants and volunteers for Parks and Recreation. As you know, these jobs and positions are highly sensitive and require extra steps. With other input on both sides, we arrived at a recommendation that is fair and equitable. We have come up with the following Fair Chance Hiring Recommendations (1) remove criminal history question from both online and paper applications, (2) limit criminal history questions until after making a conditional employment offer (Offer Letter), and (3) all other steps for new hires to remain the same—exception for Parks & Recreation Volunteers and Public Safety."

Cheryl Lynch, Director, Human Resources of the Department of Public Utilities stated, "In addition, DPU sends employees to citizens homes with children and that was one of our considerations."

Mayor Butler asked, "If we vote for Ban the Box, we are removing the criminal question off the application but will go through the same process with the background check after a conditional offer of employment."

Human Resource Officer Williams replied, "Yes."

Mayor Butler stated, "I want to know about the Parks & Recreation Department, please explain."

Human Resources Officer Williams stated, "They are working around children and we want to be upfront in knowing if there are any background issues before hiring. There is a separate application and it is stated there."

Councilmember Keitt, "I really appreciate you putting this together and I do want the persons looking at these applications to open their hearts and minds. We need to do what we can, and we need to reach out to help people because this world is in chaos."

Mayor Pro Tem Kalu asked, "Going back to the proposal to remove the criminal history question by removing it online and on paper until the offer of employment. If you find out during the background check, there is a bad check issue. How do you work with someone if they do not know this act is on their background? Does that cancel their employment offer?"

Human Resources Officer Williams stated, "Not necessarily, if the conviction is a felony, that could stop the process. The process as it stands now, once an offer was made to a candidate, we

make them aware of the background check. If the background check results in any negative criminal history, we make them aware of this and give them the opportunity of five days to make corrections or address the negative information.”

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City Administrator Yow replied, “If someone had a history of writing bad checks and went to jail. If it was someone who was a maintenance worker that was not dealing with money that would not necessarily keep him from getting that job. However, if this was someone is applying for a job in Finance, that would keep them from getting that job.”

A motion was made by Mayor Pro Tem Kalu, seconded by Councilmember Keitt to adopt the Fair Chance Hiring (also referred to as Ban the Box) recommendations by staff. The motion was unanimously approved by roll call vote.

A motion was made by Mayor Pro Tem Kalu, seconded by Councilmember Keitt to approve the second reading of an Ordinance to amend the budget of the Department of Public Utilities for the Fiscal Year October 1, 2019 through September 30, 2020. The motion was unanimously approved by roll call vote.

A motion was made by Councilmember Keitt, seconded by Mayor Pro Tem Kalu to approve the second reading of an Ordinance to adopt a budget for the Operation of the Department of Public Utilities for the Fiscal Year October 1, 2020 through September 30, 2021. The motion was unanimously approved by roll call vote.

A motion was made by Councilmember Haire, seconded by Mayor Pro Tem Kalu to go into Executive Session concerning Legal Matters: A. Update – Orangeburg Revitalization Coalition, James Glover and Eddie Massey v. City of Orangeburg, B. Garvin v. Dominion Energy South Carolina, Inc., et al. and Legal and Personnel Matter, Administration Department – City Administrator. The motion was unanimously approved by roll call vote.

A motion was made by Mayor Pro Tem Kalu, seconded by Councilmember Hannah to return to open session. The motion was unanimously approved by roll call vote.

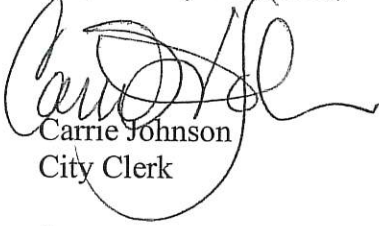
City Administrator Yow stated, “Mayor Butler and Members of Council, thank you for the opportunity to address you publicly, address City staff and the citizens of Orangeburg on the matter of my retirement from the City. My final day of employment with the City will be Thursday, September 17, 2020. Mayor Butler and I discussed this date approximately four weeks ago and I asked him to convey this date to City Council. I want to sincerely thank Mayor Butler and this Council, past Mayors Paul Miller and the late Martin Cheatham and all past Councilmembers for allowing me to serve the Citizens of our community for 29 years. I especially want to thank the Council that gave me a chance and hired me as their City Administrator. Most importantly, I want to acknowledge and thank my wife, Amy, for standing with me all these 22 years. In closing, I want to thank my current staff and all past staff members with whom I’ve had the pleasure to serve. They work hard for the City. The City of Orangeburg is poised to do great things in the future. I plan on being a supportive citizen in these endeavors.”

Mayor Butler stated, “Today is filled with mixed emotions for me and probably for the other members of City Council. Your tenure as Administrator of the City of Orangeburg has been nothing short of remarkable. You handled the administration of the City with a steady hand and sound judgement during your 29 years in the position. Your long serving tenure is greatly appreciated. Although you had to confront different views on how to move the City forward, you never compromised your commitment for honesty, integrity and transparency. Your body of work speaks for itself. We fully understand your decision to retire after nearly three decades of devoted and selfless service to the citizens of Orangeburg. You can look back on your career with pride and with a sense of accomplishment and triumph. We are deeply thankful that you decided to keep your talents and expertise with us in Orangeburg rather than going elsewhere. You leave a legacy that your successor will be hard pressed to duplicate much less surpass. And it will be difficult for us to find that person. I personally congratulate you on a job well done. And I extend best wishes to you and your family in the years ahead. If your future is anything like your past, you are going to do very well in retirement. Again, thank you for all you’ve done for the City of Orangeburg. Because of you and your devoted service, we can say it’s a great day Orangeburg.”

A motion was made by Mayor Pro Tem Kalu, seconded by Councilmember Keitt to accept the retirement of City Administrator Yow. The motion was unanimously approved by roll call vote.

A motion was made by Mayor Pro Tem Kalu, seconded by Councilmember Keitt to adjourn. The motion was unanimously approved by roll call vote. **2939**

Respectfully submitted,



Carrie Johnson
City Clerk

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