

City Council Minutes
September 14, 2020

2940

Orangeburg City Council held a Special Meeting on Facebook Live via Zoom on Monday, September 14, 2020 at 10:00 AM with Mayor Michael C. Butler presiding.

PRESENT IN PERSON:

Michael C. Butler, Mayor
Dr. Kalu Kalu

PRESENT BY TELEPHONE:

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

ABSENT:

Bernard Haire

Mayor Butler called the meeting to order with a roll call of Councilmembers.

A motion was made by Councilmember Stroman, seconded by Mayor Pro Tem Kalu to approve the August 31, 2020 Special Meeting Minutes. The motion was unanimously approved by roll call vote.

Mayor Butler read the DPU Retiree Resolutions for Robert G. Salley, Jr. and Michael Stephen Braxton. Warren Harley praised the two long serving employees that were not present at the virtual Council meeting.

Mayor Butler stated, "We want to congratulate City Administrator John H. Yow as he retires on Thursday, September 17, 2020 with 29 years of service as the City Administrator."

A motion was made by Mayor Pro Tem Kalu, seconded by Councilmember Keitt to appoint Assistant City Administrator John Singh as Interim City Administrator effective September 18, 2020. The motion was unanimously approved by roll call vote.

City Administrator Yow overviewed the FY 2019-20 Amended Budget. He stated, "First, I would like to congratulate Mr. Salley and Mr. Braxton on their retirement. I wish them and their families well. Again, I would like to thank City Council, past Mayors and City Councilmembers and the citizens of Orangeburg for allowing me to serve their City as Administrator for twenty-nine (29) years. I have enjoyed my time here and have appreciated all the hard work that our staff and Council and the citizens have put in making Orangeburg a better place to live. The next business is third reading of Ordinance to amend the budget for Fiscal Year 2019-2020. I will not go into all the details, but I will briefly state that the general fund projections remain the same as the first two readings with a positive cash flow in the general fund of approximately \$365,000. The Airport Fund is projected to have a positive cash flow of \$94,000. The Pro Shop with a net income of almost \$64,000. These funds are transferred to the Golf Course to cover the operation costs. Hillcrest Golf Course year end projections have not changed. The Hospitality Fund is balanced using revenues from reserves in that fund."

Mayor Pro Tem Kalu stated, "If the monthly budget is in red, do you have opportunities to move money around?"

City Administrator Yow answered, "Yes, even from the General Fund, we have several options there."

A motion was made by Councilmember Stroman, seconded by Mayor Pro Tem Kalu to approve the third 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

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	\$ 76,923

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, "With the Golf Course Commission, will we get a copy of the report?"

Interim City Administrator Singh stated, "Absolutely, we will be glad to do that and give you a supplemental report before that."

Mayor Pro Tem Kalu asked, "Can Mr. Funderburk address Council himself? Especially if we have questions."

Interim City Administrator Singh stated, "Yes, we may request that the Pro and the Chair of the Commission do a joint report at a Council Meeting."

A motion was made by Councilmember Keitt, seconded by Councilmember Stroman to approve the third 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 Stroman, seconded by Mayor Pro Tem Kalu to approve the second 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" that includes an amendment from seven (7) days to fourteen (14) days that was amended at the prior meeting. The motion was unanimously approved by a roll call vote.

2942
A motion was made by Mayor Pro Tem Kalu and seconded by Councilmember Keitt for Emergency Ordinance extending Emergency Ordinances Numbers 2020-03, 2020-04 and 2020-05 dated June 4, 2020, June 30, 2020 and July 27, 2020 for an extension of 61 days. The motion was unanimously approved by roll call vote.

DPU Manager Harley addressed Council. He stated, "First, I want to honor Mr. Yow who has been a part of my life for the last twenty-two (22) years. He has greatly impacted my career and has been a part of many of my decisions over the past 22 years in some form or fashion. Mr. Yow, I appreciate everything you have done for me and my family. We have before you third reading of an Ordinance to amend the budget for DPU for Fiscal Year 2019-2020. We recommend your passage of this Ordinance."

A motion was made by Councilmember Keitt, seconded by Mayor Pro Tem Kalu to approve the third 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.

DPU Manager Harley addressed Council concerning the Fiscal Year 2020-2021 Budget. He stated, "This Ordinance will place DPU in a good place to operate Fiscal Year 2020-2021 with total revenues projected at \$98,789,400 and total expenses, \$85,066,017."

Mayor Pro Tem Kalu asked, "You have a Business Manager, who is a CPA, you have a Comptroller, who is a CPA and you have a Budget Director, is he a CPA?"

DPU Manager Harley stated, "No, he is not."

Mayor Pro Tem Kalu asked, "What is the function of the Comptroller and the Budget Director?"

DPU Manger Harley stated, "The Budget Director is responsible for coordinating the budget and the Comptroller is responsible for Accounts Payable, Accounts Receivable and supervises the cashiers. The Administrative Director, Budget Director and Comptroller are all a part of the budget team which I lead and direct. We are the leaders on the budget process which is a new process. When I first got on board at DPU, I wanted to define the budget process and we are still working through that. We hope in the end, it will yield better information for Council and it will give DPU a better management tool going forward in how we can focus our costs. We are working on several things from an administrative standpoint that will help us direct that process."

Mayor Pro Tem Kalu asked, "Who does the Budget Director answer to?"

DPU Manager Harley answered, "The Budget Director answers to me."

Mayor Pro Tem Kalu asked, "Who does the Comptroller answer to?"

DPU Manager Harley answered, "The Comptroller answers to the Administrative Director."

Mayor Pro Tem Kalu asked, "What are the responsibilities of the Administrative Director? Isn't that a duplicate position?"

DPU Manager Harley answered, "The Administrative Director, Josh Nexsen is over all of that, which is a large responsibility. If you look at similar sized organizations, many of them have an Administrative Director such as we do, some of them have a deputy position and then a Finance Director and then you have a Budget Director. It depends on the function of the organization. DPU is a large operation so those are all very important functions. The Administrative Director is over cashiers, customer service and Comptroller responsibilities fall under him as well."

Mayor Pro Tem Kalu asked, "How many years have you worked at DPU?"

DPU Manager Harley answered, "I have been with DPU for four years. One of those as the Interim Manager and three years as the Manager."

Mayor Pro Tem Kalu asked, "How were you able to survive before without this position?"

DPU Manager Harley answered, "The Administrative Director and Comptroller positions were already there. The only new position is the Budget Director. It was my role to involve the budget process so we can be better managers of DPU funds."

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Mayor Pro Tem Kalu asked, "For the new position of Budget Director, you brought this before Council?"

DPU Manager Harley answered, "It was in the budget and Council approved it, yes."

Mayor Pro Tem Kalu asked, "Did you explain that to Council the new position?"

DPU Manager Harley answered, "Yes, since I have been on board, I have brought two new positions that answer directly to me. One was the Budget Director and the other Safety Superintendent. Both of those positions I thought were important to help evolve DPU in its operation in terms of safety and operations in terms of managing of funds going forward. From a financial standpoint, DPU has been a healthy organization for a long time. But my goal in bringing in the Budget Director was to put us on good footing and putting things in place to be able to manage DPU through the lean times."

Mayor Pro Tem Kalu asked, "Was the decision to bring the Budget Director in because of the over budget of the new substation?"

DPU Manager Harley answered, "The only new position is the Budget Director. Again, that was my goal to bring and evolve the budget process so that we can be better managers. But things like that the overbudget of the substation, do contribute to decisions. I cannot answer before I got there how they survived."

Mayor Pro Tem Kalu asked, "Before you filled the Budget Director position, you brought it before Council?"

Mayor Pro Tem Kalu stated, "I would like to see the minutes of that meeting."

Councilmember Stroman stated, "I do not remember Mr. Harley coming before Council before he hired the Budget Director?"

DPU Manager Harley answered, "I came before Council asking to add the position in the budget during the budget process. We also did that with the Safety Superintendent as well. We had conversations on both of those positions before they were included in the budget. After they were included in the budget, I did not come before Council to ask permission to hire as that has not been protocol."

Councilmember Stroman asked, "You brought that during a budget session?"

DPU Manager Harley answered, "Yes both in our work session and in budget discussions."

Councilmember Stroman stated, "I do not remember that. I would love to have a copy of that."

DPU Manager Harley answered, "Yes sir, we will search the minutes for that and get a copy to Council."

A motion was made by Mayor Pro Tem Kalu, seconded by Councilmember Knotts to approve the third 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.

DPU Manager Harley addressed Council concerning the DPU water issue – Ms. Joy Porter. He stated, "You will see in your packets a memo recapping the issue. Based on our records and the information we shared with Ms. Porter. We did give her a call and put a door hanger on her door to notify her of the potential of a leak. We had discussions with her. We sent employees out to her property to review and discuss with her what was happening. She did repair a leak. It was a significant amount to her bill until that point, I shared in the memo, what we offer to give Ms.

Porter relief on her bill. After further inspection, only Council has the authority to do so. Only when our equipment or our equipment has failed that caused an impact to the customer, we at DPU can make changes. Anything beyond that is Council's decision."

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Mayor Butler asked, "Can you point out in the Terms and Conditions where we must follow the process?"

DPU Manager Harley answered, "The General Terms and Conditions that I referenced are found on pages 26 and 27 which are in your packet. They cover sections 7D and E. It gives the parameters that we can handle any issues or disputes on bills. In this case it is not an error on our behalf therefore only Council can decide on an adjustment."

Attorney Walsh stated, "For Council's information, the General Terms and Conditions are an evolving document that we have amended a number of times based on situations that we have been confronted with over the years. To my knowledge, I do not have any recollection of Council changing just by Resolution the General Terms and Conditions. We have always changed that by Ordinance. We have tried and, in most cases, complied with the regulations as far as meter readings, inaccurate readings with the regulations of the public service division. We are operating as most municipal utilities do and as most public utilities. I would advise Council to be reluctant in changing or overriding the General Terms and Conditions."

DPU Manager Harley stated, "We did test the meter to make sure the meter was working properly. It tested accurate. There was nothing wrong with the DPU equipment and there was no billing error on DPU's part."

Councilmember Stroman asked, "Is there a reason why the meter wasn't read?"

DPU Manager Harley stated, "I do not have a specific reason. In our General Terms and Conditions, we are allowed, when necessary, to skip a reading. We estimate what the reading was the last year and we come back and then calculate from the last reading. It's an accurate and proved process throughout the industry."

Councilmember Stroman stated, "When we met at the last meeting, I thought you agreed you would meet with Ms. Porter. Have you talked with her and tried to work something out?"

DPU Manager Harley stated, "I informed Ms. Porter, I have never had to reduce the cost due to a mistake by DPU or due to faulty equipment. I informed her I did not have the authority to do what she requested which is to eliminate the bill."

Mayor Butler stated, "The City Attorney is recommending to Council in all fairness to all DPU customers that we cannot adjust the bill."

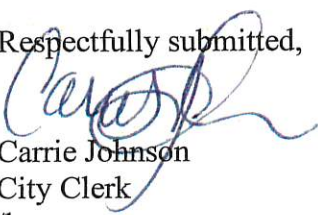
Councilmember Stroman stated, "I agree with that, but the meter was not read. It could have been full of water and if they would have read the meter, they would have found it that day."

DPU Manager Harley stated, "I will research the reason the meter was not read and get it to Council."

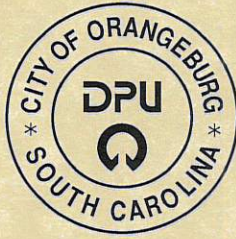
A motion was made by Councilmember Stroman, seconded by Mayor Pro Tem Kalu to go into Executive Session concerning Contractual Matter [S.C. Code Sec. 30-4-70 (2)] A. Pre-Development Services – Railroad Corner – UNC Development Finance Initiative and Legal Matter [S.C. Code Sec 30-4-70 (2)] A. Covid-19 – Large Gatherings Prohibition.

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

Respectfully submitted,


Carrie Johnson
City Clerk
/lrm





RESOLUTION

WHEREAS, Robert G. Salley, Jr., faithfully served the Department of Public Utilities of the City of Orangeburg for thirty-one years, two months and fourteen days with a retirement date of June 16, 2020; and

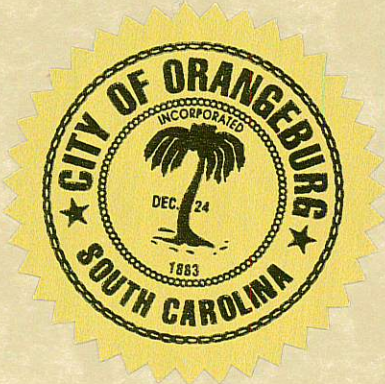
WHEREAS, he, through his long and faithful service contributed greatly to the successful operation of the City of Orangeburg; and

WHEREAS, the City Council, in recognition of the fine contribution rendered to 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 he served and we take pride in commending him for a job well done.

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

PASSED BY the City Council of the City of Orangeburg, State of South Carolina, this 14th day of September 2020.



Michael C. Butch
Mayor

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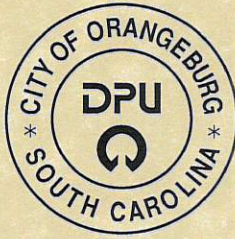
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Members of Council

ATTEST:

[Signature]
City Clerk



RESOLUTION

WHEREAS, Michael Stephen Braxton, faithfully served the Department of Public Utilities of the City of Orangeburg for twenty-eight years, five months and fifteen days with a retirement date of September 10, 2020; and

WHEREAS, he, through his long and faithful service contributed greatly to the successful operation of the City of Orangeburg; and

WHEREAS, the City Council, in recognition of the fine contribution rendered to 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 he served and we take pride in commending him for a job well done.

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Michael C. Butler

Mayor

[Signature]

Blaine Haire

L. Zimmerman

Robert F. Hume

Dancho P. Kurbas

[Signature]

Members of Council

ATTEST:

Carroll P. [Signature]

City Clerk