

City Council Minutes
September 30, 2020

Orangeburg City Council held a Special Meeting on Facebook Live via Zoom on Wednesday, September 30, 2020 at 10:00 AM with Mayor Michael C. Butler presiding. **2947**

PRESENT IN PERSON:

Michael C. Butler, Mayor
Dr. Kalu Kalu

PRESENT BY TELEPHONE:

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

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

Councilmember Haire asked, "Do we not get copies of the minutes anymore?"

Interim City Administrator Singh stated, "With us having rapid meetings, the minutes were not ready for this meeting. At the next meeting, we will make sure all outstanding minutes are included for your review."

Councilmember Hannah asked, "This is a special meeting and it is not on the schedule; does that matter as far as the minutes?"

Attorney Walsh stated, "It does not make any difference if it is a special meeting."

A motion was made by Councilmember Haire, seconded by Mayor Pro Tem Kalu for authorization of Interim City Administrator to enter agreement with SCDPS Office of Highway Safety and Justice Programs in the amount of \$115,222. The motion was unanimously approved by roll call vote.

City Attorney Walsh addressed Council concerning a Resolution supplementing Governor's Executive Order No. 2020-50 prohibiting "Gatherings". He stated, "This resolution supplements the prior resolutions concerning the Executive Order 2020-50 of the Governor of the State of SC. This is for gatherings being held around the City publicly and privately and states what officers need to do. If a large gathering is taking place and the participants are not social distancing or wearing protective devices, the tenant or landlord would be fined \$100. This also spells out what the participants would be fined if they did not disperse."

A motion was made by Councilmember Stroman, seconded by Councilmember Keitt to approve the Resolution supplementing Governor's Executive Order No. 2020-50 prohibiting "Gatherings". The motion was unanimously approved by roll call vote.

Interim City Administrator Singh stated, "Next on the Agenda is discussion of the Weeds and Other Offensive Matters Ordinance. It is not listed on the Agenda for third reading but will be brought back to the next meeting for approval. We have received some comments from the public on this, so I wanted write the memo to provide what happens with a seven-day or a fourteen-day process. One of the variables is the fact that if we can't get the letter served by mail or in person, the clock does not start until that time. There are some relief valves if someone was out of town or sick. The party we are trying to serve should have a right to appeal or question. There is a five-day window for them to do that. With that said, I just wanted to make sure Council knew how much time it takes to enforce this. Someone may have a weedy lot that sits for 30-45 days before we can maybe do something about that. We are trying to do this, so we don't have to do this repeatedly. This is a problem for not only Orangeburg; code enforcement is a problem for many cities throughout the state."

Councilmember Haire asked, "At the last meeting Council voted on changes to this, how does this reflect the changes we amended?"

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Interim City Administrator Singh replied, "The timing was the issue from seven to fourteen days and that is included in this version. I basically addressed what Council decided and gave a timeline of what happens in a fourteen-day cycle and there is a process of due notice."

Councilmember Haire stated, "I am not in favor of changing what we voted on at the last meeting."

Interim City Administrator Singh stated, "I just wanted to be sure Council understood what is involved in the fourteen-day timeline."

Councilmember Keitt stated, "I think what is presented here today is a good idea giving them time to get back to us."

Interim City Administrator Singh stated, "The only real change is that we did add the appeal process and there are no other changes. The Building Official has a concern on the amount of time. Someone may see a lot that has not been taken care of for three months and there is a process and it only starts when the owner is served properly. We have had people calling because they were not clear on this. We will move forward with what Council voted on for the fourteen days and what Attorney Walsh has on the appeal process."

Interim City Administrator Singh stated, "If we get a notice to someone and he has five days to decide to appeal the decision and then he has fourteen days to cut the grass. If he does not, we will cut the grass."

Councilmember Hannah asked, "This is more than about weeds, right?"

Interim City Administrator Singh stated, "Yes, it also includes debris and abandoned cars."

Interim City Administrator Singh stated, "The next item on the Agenda is discussion on scheduling of Council meetings for the remainder of 2020. What I wanted to ask Council is what day and the time is best? I would like to have two meetings a month scheduled that we can publish the date and time and make sure the public is aware. We have had very good participation with the public with people viewing the meetings. We average two to six hundred people or more. I will let the Mayor lead the discussion."

Mayor Butler stated, "I am in favor of 9:00 AM".

Councilmember Stroman stated, "I think it should be the first and third Tuesdays."

Councilmember Keitt stated, "I agree on the first and third Tuesdays at 9:00 AM."

Councilmember Knotts stated, "I concur with the body making it consistent."

Councilmember Hannah stated, "I am in agreement and regulating the time."

A motion was made by Councilmember Keitt, seconded by Councilmember Knotts for Council Meetings for the remainder of 2020 be held at 9:00 AM on the first and third Tuesdays of the month. The motion was unanimously approved by roll call vote.

Councilmember Haire stated, "I would like to respond to something that was said regarding having more people joining in the meeting. I would not want to put Zoom in place of a regular meeting and change the time as it relates to our regular meeting. There are people who have come to our public meeting who cannot tune into Zoom and I wanted to point that out."

DPU Manager Harley addressed Council regarding a DPU Water Issue. "There were questions as to why the meter was not read for Ms. Joy Porter. I sent a letter to you on September 15. I also sent a video on what happens to a meter if you get a quick downpour. That was the reason why we didn't read the meter. We are going to automatic readers for water meters. We have already done that with electric and gas. That was the information that was asked by Council."

Mayor Butler stated, "Based on the terms and conditions, we have to be very careful not to deviate from them and make provisions."

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Mayor Pro Tem Kalu stated, "My point is that we have policies that governs every customer and not just one person and we cannot change them unless Council changes them as a whole. If we deviate from the policy, we cannot do that for one person. For what you do for one, you must do for all. We need to follow the policy."

Councilmember Hannah stated, "It is twofold, two parts from what he said. The second part is that DPU is going to install new meters where they are needed."

Councilmember Haire stated, "We have already gone to this metering electronically and I don't know why this area hasn't been installed yet, but that was already approved."

DPU Manager Harley stated, "That is correct and we just have the water meters to complete and we will bring that back to Council to update you. It is a substantial undertaking to complete."

Councilmember Keitt replied, "As long as we follow the policies of DPU that is all we need to do."

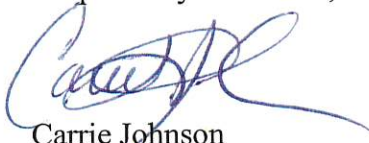
Councilmember Stroman stated, "The only thing that I do not agree with is that the meter was not read and there ought to be some consideration."

A motion was made by Councilmember Stroman, seconded by Councilmember Keitt to enter into Executive Session for Personnel Matter A.) Discussion of development of security personnel – Department of Public Safety – S. C. Code Sec. 30-4-70(a)(3), Legal Matter A.) Orangeburg Revitalization Coalition, et al v. City of Orangeburg and Contractual Matter A.) Discussion of negotiations of proposed contractual matters and purchase of property – Bull Swamp Water District – S.C. Code Sec. 30-4-70 (a) (2). The motion was unanimously approved by roll call vote.

Council did not return to open session.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie Johnson
City Clerk

/lrm



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VOID

VOID

VOID

VOID



**RESOLUTION SUPPLEMENTING THE EXECUTIVE ORDER NUMBER 2020-50 OF
THE GOVERNOR OF THE STATE OF SOUTH CAROLINA**

- WHEREAS,** on March 13, 2020, the Governor of the State of South Carolina ("State") issued Executive Order No. 2020-08, declaring a State of Emergency based on a determination that the 2019 Novel Coronavirus ("COVID-19") poses an actual or imminent public health emergency for the State;
- WHEREAS,** Executive Order 2020-21 includes the grant of authority to political subdivisions to enforce said Order and any prior or future Orders and to do whatever may be deemed necessary to maintain peace and good order during the State of Emergency;
- WHEREAS,** the City Code of Ordinances, Sec. 2-13, Emergency and Disaster Planning and Response, authorizing the Mayor to declare a State of Emergency in the City of Orangeburg;
- WHEREAS,** the Mayor by Proclamation dated April 8, 2020 declared a State of Emergency in the City of Orangeburg to protect the public health, safety and welfare of its citizens;
- WHEREAS,** the circumstances and conditions of April 8, 2020 still exist, and City Council deems it necessary to adopt additional measures to prevent the spread of the virus;
- WHEREAS,** by Executive Order No. 2020-50 the Governor authorized, ordered and directed law enforcement officers of the State and any political subdivision thereof to prohibit or disburse any congregation or gathering of people, unless authorized or in their homes, in groups of three (3) or more people, if any such law enforcement official determines, in their discretion, that any such congregation or gathering of people poses, or could pose, a threat to public health;
- WHEREAS,** because of the existing State of Emergency City Council wishes to supplement said Executive Order No. 2020-50 of the Governor by providing civil infractions and fines for a violation of said Order and provide guidelines for the City's law enforcement officers in enforcing said Order;

NOW, THEREFORE, BE IT RESOLVED by City Council duly assembled this 30th day of September 2020 that the Executive Order No. 2020-50 of the Governor of the State of South Carolina is supplemented as follows:

Definition: For purposes of this Proclamation, a "Gathering" shall be defined as a planned or spontaneous indoor or outdoor event that involves or is reasonably expected to involve a large number of people physically present, congregating together, or otherwise simultaneously in attendance at a single indoor or outdoor location, public or private, and shall include, but not be limited to, the following: festivals, parades, concerts, theaters, stadiums, arenas, coliseums, auditoriums, grandstands, event venues, dance halls, concert halls, amphitheaters, gymnasiums, chambers, assemblies, nightclubs, performing arts centers, parks, racetracks, parties (including outside parties at private residences) or similarly situated or operated businesses, facilities, venues, services, activities, events, or mass gatherings, the occurrence or resulting impacts of which would pose a threat to public health or could strain the public health, planning, and response

resources of the City. A Gathering shall not include individuals collectively performing or assisting with military, healthcare, public safety, or emergency response operations, as well as any other operations or services identified by the United States Cybersecurity and Infrastructure Security Agency in its March 28, 2020 Memorandum, or any future amendments or supplements thereto, as essential to continued critical infrastructure viability in connection with COVID-19. A Gathering shall not include the normal operations of public and private schools and higher education institutions or religious activities or services, including those conducted in churches, synagogues, or other houses of worship, or gathering at private residences attended by persons of the household and/or the immediate family of the resident or residents.

Enforcement: Observations by a law enforcement officer that any person or persons in attendance at a gathering are not wearing a protected mask or a similar protective device in compliance with Mayoral Proclamation of April 8, 2020 and not exercising "social distancing" by maintaining six (6) feet of separation in accordance with the Centers for Disease Control and Prevention and the South Carolina Department of Health and Environmental Control guidelines shall be conclusive evidence that such congregation or gathering poses a threat to public health and is a violation of this Proclamation.

Fines: A violation of this Proclamation by the owner, landlord, or tenant of the private property on which the gathering is located, after first being warned by a law enforcement officer to disperse, shall be guilty of a civil infraction punishable by a fine of one hundred (\$100.00) dollars. A violation of this ordinance by any person attending the gathering, after first being warned by a law enforcement officer to disperse and having failed to disperse after a reasonable period of time not to exceed two minutes shall be guilty of a civil infraction punishable by a fine of fifty (\$50.00) dollars.

PASSED BY the City Council of the City of Orangeburg, South Carolina, on this 30th day of September 2020.



Michael C. Butch

Mayor

[Signature]

Vandrea J. Knotts

[Signature]

Richard J. Starnes

[Signature]

[Signature]

[Signature]

[Signature]
Members of Council

Attest: *[Signature]*

City Clerk