

Joint City/County Special Council Minutes
November 5, 2020

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Orangeburg City Council and Orangeburg County Council held a Special Joint Meeting at the Orangeburg City Gym, Thursday, November 5, 2020 at 5:30 PM with Mayor Michael C. Butler and County Chairman Johnnie Wright, Sr. presiding.

CITY OFFICIALS

PRESENT IN PERSON

Michael C. Butler, Mayor
Dr. Kalu Kalu
Bernard Haire
Jerry Hannah
L. Zimmerman Keitt
Sandra P. Knotts
John D. Singh, Interim City Administrator
Attorney James F. Walsh, Jr.
Attorney Lawrence Flynn, Pope Flynn Group

PRESENT VIRTUALLY

Richard F. Stroman

ABSENT

None

COUNTY OFFICIALS

PRESENT IN PERSON

Deloris Frazier

PRESENT VIRTUALLY

Johnnie Wright, Sr.
Harry Wimberly
Johnny Ravenell
Janie Cooper-Smith
Willie B. Owens
Harold Young, County Administrator
Marion Lloyd, Assistant County Administrator
Attorney D'Anne Haydel
Chief Teddy Wolfe, Orangeburg County Fire District
Connie Portee, Clerk to Council

ABSENT

Heyward Livingston

Mayor Butler stated, "Welcome, we are happy to meet with the County Council again so we can work as one entity and we appreciate you meeting with us. We hope that we can move forward on the fire tax district."

County Chairman Wright stated, "Welcome. Certainly, we are happy to get back together to see if we can move this relationship between the City and the County together on the fire district. We just ask that everybody be patient and encouraging. Let's try to listen to each other and try to come to a balance so that we can benefit the citizens and our community in our County on this project. Again, it is certainly an honor for us to be here tonight."

City Councilmember Haire stated, "I hope the City and County can work together for the betterment of the County."

City Councilmember Knotts stated, "Let's keep in mind that we are all here working for the betterment of the citizens of Orangeburg County and especially those that this could effect in the County. And if we are all of one accord, I think we can make it happen."

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Mayor Pro Tem Kalu stated, "I think the County and the City should come together to talk about the issues. We are not competitors. We need to work together. We need to move this County and City forward in one accord. The citizens of the City and the County have elected us to lead and we need to do something for the people that elected us."

City Councilmember Keitt stated, "Thank you for taking the time for us to come together for the betterment of our constituents in the County and the City. The more we work together as a team the better. When you work in collaboration with a group of people on one accord, you can get more accomplished. So many of our people are very, very poor. They really do not have funds to pay high bills. So, let's consider them this evening. So, when we leave here today, we will have made a decision for the betterment of all of our constituents in the City and the County of Orangeburg."

City Councilmember Hannah stated, "Let's do what is good for all citizens and do what is right."

City Councilmember Stroman stated, "I would like to thank the County for meeting with us and I am looking forward to working with the County."

County Councilmember Frazier stated, "I would like to say, I am listening to you all saying that we need to come together. I think that we are together, and I would like to think that we are one."

County Councilmember Smith stated, "I would like to commend City and County Council for what we have been able to do jointly. At the end of these meetings, I hope we will be able to come up with something that will lower the ISO rating for many of our citizens."

County Councilmember Wimberly stated, "I hope that we can work together and get this solved."

County Councilmember Ravenell stated, "I echo all that has been said. We have had this on the table for a while. Hopefully we will come to some common ground in the very near future so we can collaborate and get the people that need our assistance affordable fire protection. It is time that we come together to a common ground and move forward."

County Councilmember Owens stated, "I have always cooperated with the City. I am always willing to do what I can as a Councilmember to work with City Councilmembers to help facilitate the fire district."

Mayor Butler stated, "The \$1,500,000 on the diagram are based on the numbers that the County has indicated, and the City fire tax district appears to generate more than \$1.8 million. It is my understanding that the County is looking at a fee payment to the City instead of millage rate to be paid to the City along with any increase to the millage. If we look at the fee payment, it needs to be at \$1.7 - \$1.9 million. If agreed, the fee payment will leave money on the table for the County. I hope that we can look at this. We want to get some hard numbers as to how much the County collects in the entire County."

County Councilmember Smith stated, "Please give me the numbers for outside and inside the City."

Mayor Butler stated, "Outside is \$1,700,073 and inside is \$1,256,054."

County Chairman Wright asked County Administrator Young to present the County values.

County Administrator Young stated, "Assistant County Administrator Lloyd will present the figures we have through the assessed values."

Assistant County Administrator Lloyd stated, "I want to make sure we are clear on the total of the assessed area that we are speaking. We refer to it as the donut area. The total assessed value for the donut area \$98,436,586. Now, we are trying to find out how much revenue would be generated if you apply the 18 mills. Applying the 18 mills to the total assessed value of \$98,436,586 would

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generate roughly the same number the Mayor stated \$1,778,858. One thing we must take in consideration is the fee in lieu. In talking with the Auditor's office, if we are going to charge 18 mills, we cannot include fee in lieu. So, we would have to deduct the assessed value of the fee in lieu from the \$98,436,586. Total assessment for the fee in lieu is \$12,198,558. The reason we cannot include the fee in lieu is because the fee in lieu that exists was negotiated on a fixed millage for the life of that agreement. Any additional fee in lieu that comes into that donut area, it is my understanding can be negotiated in that fixed millage. All the fee in lieu that exists today, has been negotiated on a fixed millage rate. That is one thing we need to consider when we come up with an assessed value to be taxed at the 18 mills. So, if you deduct the \$12,198,558 out for the fee in lieu and apply the 18 mills, the donut area would generate \$1,500,000.

Interim City Administrator Singh asked, "For the fire contracts in the donut hole, you are saying that is generating with just the taxes that can be collected at 18 mills is \$1,500,000?"

Assistant County Administrator Lloyd stated, "That is correct."

Interim City Administrator Singh stated, "The other side of that would be the fee in lieu depending on the agreements and how they are set up. There would be some funds possibly there, but it may not as the fee in lieu will expire at some point, I assume."

Assistant County Administrator Lloyd stated, "Yes, at some point."

Interim City Administrator Singh stated, "We probably need to work through that. But what you are talking about for a base is \$1,500,000 which basically is the 18 mills which is what can possibly be collected in the donut."

Assistant County Administrator Lloyd stated, "Correct."

Interim City Administrator Singh stated, "The other question is, the total 18 mills in the fire district for the big donut, which is the County, what is that number?"

Assistant County Administrator Lloyd stated, "The total assessed value for the County fire district is \$170,964,439. The calculation is roughly at \$3,077,359. Is that correct, Teddy?"

County Chief Wolfe stated, "Yes, that is correct."

Interim City Administrator Singh stated, "I had a guess of roughly \$3,000,000. I guess the question is, if \$1,500,000 is the number of the millage, is that something we can base it off the millage and then look at values? Harold, Johnnie and Mayor, I guess this is where you all come together and figure how we can calculate it where it moves by the millage. I have heard something about a fee. Maybe we can open it up with this and let Mayor Butler and Chairman Wright go from here."

County Chairman Wright stated, "They had a couple of different options for us. There was a payment option and a flat option. Now that we know it only collects \$1,500,000, we just need to come to some kind of.....go ahead Mr. Young. Harold did you want to say something?"

County Administrator Young stated, "I will yield to the Councilmember."

County Councilmember Wimberly asked, "I just wanted to ask what happened to the formula that we put together and presented to the City? Has that gone out the window? I think we had something like 82.18% share. That was the last proposal we put to the City. Is that still on the table?"

Interim City Administrator Singh, "I just tried to keep it simple. The last discussion that the Mayor and I had, which was the discussions he may have had with the County was looking at doing a fee of \$1,500,000. So, saying is it out the window, it doesn't have to be out the window. So, we are at the \$1,500,000 collected at the 18 mills. The question is, when we set up the 18 mills, will it allow the increase in value of the areas that we are talking about? Again, there may be a point or limit and that is where attorneys will get involved. Is there a limit to where we are not collecting more than we need? But we are also keeping up with the equipment and the things we must keep protecting. I know Harold and the Mayor have had some talks about helping with emergency calls

also which I think we are open to look at from what I am understanding. Does that answer the question?"

County Administrator Young stated, "In light of the fee in lieu situation, it makes us have a situation where it only collects \$1,500,000. So, the basis of what we would agree to would be up to Council to decide where they could stand seeing that only does \$1,500,000. As Teddy can tell you, there is a lot of stuff in the donut like extrications and some other stuff and a lot of EMS calls that we still do within that donut. That is why there was always a pennant as to not giving the entire amount because we still have responsibility within that donut. I will yield to Teddy."

Interim City Administrator Singh stated, "Harold, let me ask you a quick question about that. I know our DPS department has extra extrication equipment. Are we not extricating people in the five-mile radius?"

County Administrator Young stated, "Well you do, but there are a lot of times that we still have to assist."

Interim City Administrator Singh stated, "I understand, and we have to do the same. That is something we can talk about."

County Administrator Young stated, "We handle all of the medical calls within the City at a cost to us. We also must deal with the aspect of lifting assistance in the greater Orangeburg area which ties up ambulances and units. Honestly, I believe if we come to this agreement, these are some of the things we can work out that will help us."

Mayor Butler stated, "I would like to explain something to our Council before we move on. When patients fall at the nursing homes, the workers are not allowed to pick them up, EMS or a fire truck must be called to get them up. I just want City Council to understand that in case we work something out in a Five-mile radius."

County Councilmember Owens asked, "Harold, I thought we said if we change the formula, it could come back +/-? Also, I thought we said we could not change the formula? If we change the formula, it could be more, or it could be less?"

County Administrator Young stated, "We were talking about the aspect of the information of keeping a flat rate because of the area outside of the Jamison area to add apparatuses that is needed for us to be able to stay in tune with the development that is going on in that area. I'll yield to Teddy to give you a better explanation."

City Councilmember Haire asked, "Concerning EMS emergency calls, is that coming out of the same pot of taxes that is placed on residents outside the City limits as well as residents inside the City limits?"

County Administrator Young stated, "That is funded separately through the EMS budget."

City Councilmember Haire asked, "Where are the tax dollars coming from that the EMS budget receives? They are coming from taxpayer dollars, right?"

Interim City Administrator Singh stated, "Harold, what Councilmember Haire is asking, when an ambulance rolls in the County, County taxes are paying for it, but City residents also pay County taxes to roll. Mr. Haire is trying to understand the extra load and the fact that City residents pay County taxes for those services. Is that what you are asking Councilmember Haire?"

City Councilmember Haire stated, "Yes."

County Administrator Young stated, "It is not about that as much as the aspect of tying up resources that could be used elsewhere and response time."

Interim City Administrator Singh stated, "Right, that is what we are talking about. For example, I can use my father as an example when he fell at the Oaks; the Oaks would not pick him up from the floor. They require an ambulance to come pick him up. I took him to the hospital to be checked out because all they did was pick him up off the floor. So, what we are talking about is that we

have a more mobile way of getting over there in a Public Safety car with a trained fire fighter that can help pick the person up. And Harold that would release the resources of what you are talking about, right?"

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County Administrator Young stated, "Yes, that is what I am talking about."

Interim City Administrator Singh stated, "What Harold is getting at is the limited resources for all residents to help relieve a little bit to get someone off the floor call."

City Councilmember Hannah stated, "Could we have an itemized listing? When it is all together, I am at a loss as to what it is for."

County Councilmember Owens stated, "Mr. Chairman, this question has been asked before. If I can get a total budget of the whole ball of wax and then have it broken down in component parts, I think I can understand it much better."

County Chairman Wright asked, "You are talking about a total budget showing where all the money goes that is collected? For example, X number of dollars for ambulance, etc. Is this what you are talking about?"

County Councilmember Owens stated, "Yes sir. One for ambulance, one for picking bodies up, one for transportation, one for fire, etc. Is that possible?"

County Chairman Wright stated, "Mr. Owens, I think anything is possible. I just want to know where are we going with it? Do we need to go to that level? The last time we had this option on the table, one was to give a flat rate amount of money and then \$100,000 each year and cap it at top amount we were collecting. This way, they would still get all the money coming in from the tax. The other one was 82% of what was collected would go to the City and then the other part would go to the County's expense. That was something we were talking about last time. The fact that we can only collect fee in lieu, that makes the numbers a little different than what it was originally thought. If what you can collect is \$1,500,000 at this time, we need to see what formula would satisfy the City and the County. And then as things increase, we can put a formula in and increase along with it."

County Councilmember Owens stated, "You are telling me, we cannot collect but \$1,500,000 from the County?"

County Chairman Wright stated, "We cannot collect but \$1,500,000 now for the donut area that the City is talking about wanting to tax. When Marion gave the assessed value, then he backed \$12,000,000 from the fee in lieu and did the formula of \$1,500,000 as the max you can collect. Is that right, Marion?"

Assistant County Administrator Lloyd stated, "Yes that is correct. And you might want to add that is at 100% collection."

County Chairman Wright stated, "That is another thing we need to take into consideration. You do not always get 100% collection. You are going by a formula. Sometimes people do not pay taxes. You may not collect but \$1,300,000 or \$1,400,000."

Interim City Administrator Singh stated, "Chairman Wright, can I present a gentleman that may be able to help with that? I think we are all in agreement. We all understand the collection of \$1,500,000. City Council has talked with Harold about bringing in an attorney that would work with Attorney Haydel and Attorney Walsh to be the one that is working on the fire contract agreement. Mr. Lawrence Flynn with Pope Flynn Group is very familiar with fire contract agreements throughout the state. I think he can help us and tie us together so that maybe the two groups can come to a number. Is it okay with you Chairman if Mr. Flynn speaks?"

County Chairman Wright stated, "It is okay with me, if it is okay with everyone else. We are trying to work together. We can always listen."

Attorney Lawrence Flynn stated, "Good Evening, a quick question I have in identifying how the funds are allocated. Of the \$170,000,000 of assessed value the County wide unincorporated

assessed value, does the \$98,000,000 assessed value in the donut hole, is that included in that number or is that exclusive of that?"

County Administrator Young stated, "If you are asking if the donut hole value is exclusive to the Countywide value for the County fire service, the answer to that would be it is not included in the figure I gave for the Countywide assessment for the County fire district." 2963

Attorney Flynn stated, "So currently, the 18 mills that you levy with the unincorporated area of the Countywide fire service district generates roughly \$4,500,000 worth of aggregate collections."

Assistant County Administrator Lloyd stated, "The figure I came up with on the County fire district was roughly \$3,000,000. I do not have the exact figures in front of me. But based on that assessed value, it would generate roughly \$3,000,000. But then again I do not have the figures for the fee in lieu in front of me for that area also."

Attorney Flynn stated, "I thought you were saying the \$170,000,000 did not include the donut hole."

Assistant County Administrator Lloyd stated, "No, it did not include, you are correct, but once you get outside in the County fire service area you have fee in lieu in that area also."

County Chairman Wright stated, "I think Marion, what he is trying to say is that the donut and the County wide, both together is \$4,700,000. That is what he is trying to say."

Assistant County Administrator Lloyd stated, "Yes, that would be correct."

Attorney Flynn stated, "Are those separately budgeted currently? Or is the \$4,500,000, an aggregate of collections, currently a budgeted item for fire and EMS account?"

Assistant County Administrator Lloyd stated, "We would not have a budget for the donut area."

Attorney Flynn stated, "Because of the existing contract."

Assistant County Administrator Lloyd stated, "Right, yes."

Attorney Flynn asked, "What is the number that is currently being provided to the City for services?"

County Chairman Wright stated, "There is no number. We are trying to get there. We are not collecting the mills yet because we have not assessed it yet. That is what it would be if we did assess it."

Attorney Flynn stated, "So the question is, if we are negotiating this \$1,500,000 coming to the City, what is it currently being used for by the County?"

Assistant County Administrator Lloyd stated, "We have not levied the millage yet."

County Chairman Wright stated, "We have not levied that yet. We have not started collecting it yet. We are just doing an assumption of what it would be if we levied 18 mills."

Attorney Flynn stated, "So there is not an existing Countywide fire district?"

County Chairman Wright stated, "There is an existing for the Countywide, but not for the donut. The extra \$1,400,000 - \$1,500,000 that you are talking about is not levied yet. We are only levying the 3."

Attorney Flynn stated, "Okay, I just wanted to make sure I was aware of that underlying question."

County Administrator Young asked, "Mr. Attorney, can you say your name again for the sake of Council."

Attorney Flynn stated, "Sure, Lawrence Flynn with Pope Flynn Law Firm in Columbia. So, the existing Countywide fire service area is a special purpose district or a special tax district created under the County Home Rule Act. But it only provides service to the unincorporated areas of the County and outside the five-mile donut hole around the City of Orangeburg, correct?"

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County Chairman Wright stated, "Correct."

Attorney Flynn stated, "So anything else is going to be 18 mills for this particular area. Does the existing County fire service area fund the EMS services with that 18 mills that you levy in the existing fire service area?"

County Chairman Wright stated, "That is separate, right Harold?"

County Administrator Young stated, "That is a separate budget."

Attorney Flynn stated, "Everything that is levied, the entire 18 mills, only goes for fire service?"

County Administrator Young stated, "Yes, for the entire County."

Attorney Flynn stated, "So the 18 mills levied in the donut hole, should be used for that same purpose."

County Administrator Young stated, "It would have to be if it is levied for fire services, then it would have to be used for that purpose."

Attorney Flynn stated, "I just wanted to make sure that we are all on the same page of the particular use of the fund. For purposes of the capital. This is generally considered an operating levy which has its own limitations. The 18 mills that gets levied is used to pay the fund operations. Do you currently also pay for capital such as new fire trucks, improving fire stations, doing that as a pay-as-you-go basis with the millage that you currently levy?"

County Chairman Wright stated, "Yes, that is correct."

Attorney Flynn stated, "So you have not issued bonds to fund your operation outside the 18 mills. You do it as capital leases?"

County Chairman Wright stated, "We also get a lot of grants. We work for a lot of grants."

County Administrator Young stated, "We do get a lot of grants. But we also use capital leasing and other funds and sometimes Council will help the fire district outside the 18 mills through the County."

Attorney Flynn stated, "So in thinking through how we fund Capital long term, would the thinking be capped at the 18 mills or could there be a separate for debt service millage to be able to issue bonds within this area going forward in the contract?"

County Administrator Young stated, "No, we had always talked about whatever the millage is just like with us we have to deal with our own capital. The City would have to deal with their own capital in that area."

Attorney Flynn stated, "The existing fee in lieu arrangements that are in place. Are those standard fee levels or are they multi-county part arrangements that have negotiated terms?"

Assistant County Administrator Lloyd stated, "From my understanding they would be mostly multi-county not saying that there are not any other. But from my understanding the majority of them would be the multi-county parts."

Attorney Flynn stated, "There is 6 millage for the five-year term or for the life?"

Assistant County Administrator Lloyd answered, "My understanding, it would be for the life of the agreement."

Attorney Flynn asked, "But they are still receiving fire service, correct?"

Assistant County Administrator Lloyd answered, "Yes."

Attorney Flynn stated, "Would there be a consideration that a portion of the fee load revenues also be payable under the terms of this agreement or are we going to live and die with the 18 mills on the non-fee load area." 2965

County Attorney Haydel stated, "I believe it is a live and die with the 18 mills. Those fees are already set."

Attorney Flynn stated, "Thanks D'Anne, we can circle back up with that offline."

City Councilmember Hannah stated, "What is the County proposing? What is it that the Orangeburg County wants?"

County Chairman Wright stated, "I think we had something on the floor before but there were two options. Maybe we need to go back over those and point out exactly where our comfort level is."

Interim City Administrator Singh stated, "Chairman Wright, in talking real quick would it be amicable if we had three members of each Council, the Administrators, Mr. Flynn and Ms. Haydel to meet as a committee to try to iron all of these things out and then bring it back to the combined Councils. I am not talking about waiting a month to do it, I'm talking about getting together and getting it done. Would that be okay?"

County Chairman Wright stated, "I think it is okay with me, but I will have to yield to my Council if that is okay with them because it is hard to try to make some type of agreement in a climate like we are doing right now. We have to have something on paper to look at."

County Councilmember Smith stated, "That's fine because I am lost. I do not think we have accomplished very much."

County Councilmember Ravenell stated, "I think it would be a good idea and you come back with workable numbers and then bring it back to both Councils."

County Chairman Wright stated, "We have been away from this for quite a while, so to make a decision is not that easy."

County Attorney Haydel stated, "In 2018 was the last time we have looked at this. On December 3, 2018 was a discussion between the County and the City. It was reported to me that all discussions had stopped because they had run into a problem regarding this very point."

County Chairman Wright stated, "D'Anne, I just went through my file and I have a letter dated April 1, 2019 where we presented the two options to the Mayor. That is the last thing that I have. I think the suggestion by Interim City Administrator Singh is a good idea to get a group together and work this out. Do you think this is amicable Harold?"

County Administrator Young stated, "Yes, Mr. Chairman I yield to Council whatever your wishes are."

City Councilmember Keitt stated, "City Council agrees with the recommendation of the Administrators, three Councilmembers of each Council and Councils' attorneys get together, itemize everything and bring a number back to the full Councils. We are asking that it will be done within two weeks of where we are today so that we can get this completed. We appreciate all of you for doing."

County Chief Wolfe stated, "One thing I wanted to make clear with the County fire district excluding Santee service area and the City's fire response area which is including the donut. Excluding that, the district collects tax money for the entire area, and we must divide that money into each Department. One of the issues we have is the amount of money that is collected in some of our rural areas is not enough to sustain the fire services. So, what we have had to do is, spread the money around, still in the fire service. Canaan for example, there are very few businesses there

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that would bring in that money. When we are doing contracts with the departments, we would never be able to pay out the 100% because as you have already said that money may not be collected. But we would always have a number very much like what Council has suggested with the 80% or whatever the number was and with those funds, where would that money go. You are still looking at it going to the fire service for the service areas for the entire County. So that everybody would be able to maintain a good fire response. When all this was done years ago back in 1997, this is what we lived on and that is what we are still doing today throughout the entire County excluding those two areas.”

County Chairman Wright stated, “Thank you. The suggestion has been made by the City to form a Committee of three Councilmembers from each Council, the attorneys and administrators to get together to see if we can come to a balance to bring back to the full Councils that hopefully both sides can live with. Is that okay? Does anyone have any problems with this?”

County Councilmember Ravenell stated, “Chairman Wright, I agree with you. When you get the figures, I think it should be distributed to the rest of Council as your tentative recommendation before you carry forward and we will go from there.”

County Chairman Wright stated, “I agree, we need to iron out both sides before so when we do come back together, we know where we are.”

County Councilmember Wimberly asked, “The donut hole areas that have a Class 5 for the City and the County has a Class 9 right across the street. Why can’t the City go in and turn those areas around and then let the County take them over so that those folks can get the benefit of Class 5 fire service and lower their insurance. This has been going on for years. All these places have been identified. We have already passed it on the County side, all the City must do is pass it, turn it over to the County and those folks can start reaping the benefit of Class 5 plus having their insurance premium lowered. We need to get that done.”

County Councilmember Smith stated, “I agree, the insurance rates of what some people are paying is ridiculous. We should have come together about this a long time ago. “

County Councilmember Owens asked, “Are we talking about the committee providing the cost for all the service area in the County?”

County Chairman Wright stated, “No, we are just talking about the donut area.”

County Councilmember Owens asked, “At the same time, can we provide the cost for all the service area?”

County Chairman Wright stated, “I think they can provide that.”

County Councilmember Frazier stated, “Some years ago Teddy, the mills were cut. How many mills was it cut for the volunteer fire service? And we were never given that money back again.”

County Chief Wolfe stated, “It was 16.5 mills.”

County Councilmember Frazier stated, “Believe it or not, we were able to do a lot with that money before it was cut. I would like to see that money go back in the pot so that the volunteer fire persons will be able to do what they can do and give the money to various departments around the County. Some years ago, we were cut deeply when everyone was cut across the board. But the money was never returned. When you sit down to talk, lets talk about giving Teddy Wolfe and that group back some of the money please.”

Mayor Butler stated, “Mr. Wright, we are going to close with this note. We will name our Committee and you name yours and I will call you. Thank you all for the good discussion. I think we are making progress.”

Respectfully submitted,

John D. Singh
Interim City Administrator

