

City Council Minutes
June 30, 2020

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Orangeburg City Council held a special meeting on Facebook Live via Zoom on Tuesday, June 30, 2020 at 12:00 Noon, with Mayor Michael C. Butler presiding.

PRESENT:

Michael C. Butler, Mayor
Dr. Kalu Kalu

PRESENT BY TELEPHONE:

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

ABSENT:

None

A motion was made by Councilmember Stroman and seconded by Councilmember Keitt to approve the June 4, 2020 City Council minutes. The motion was unanimously approved.

A motion was made by Mayor Pro Tem Kalu and seconded by Councilmember Haire to go into Executive Session to discuss a Legal matter [S.C. Code Sec. 30-4-70 (2)]: Heritage Act and Confederate statue removal. The motion was unanimously approved.

A motion was made by Mayor Pro Tem Kalu and seconded by Councilmember Keitt to return to open session. The motion was unanimously approved.

Mayor Butler stated, "We understand those who want to remove the statue of historical leaders. We also understand those who are opposed to removing the statue of historical leaders. If this Resolution is approved by Council, we must still follow the law and the established protocol to remove the statue. In the final analysis, it requires two-thirds majority vote of the South Carolina General Assembly to remove the statue. We will follow the letter of the law and see what happens. The City of Orangeburg follows the law."

City Attorney Walsh addressed Council. He stated, "You have before you a Resolution to remove the Confederate statue located on what was formerly known as Courthouse Square. If this Resolution is approved, we will then proceed to present it to the General Assembly for their consent of the removal. The statute requires a two-thirds vote. But our Attorney General, in his opinion, has indicated that portion of the statute is not constitutional, and it would only require a majority vote of the General Assembly, so I present that to Council for consideration."

Councilmember Stroman stated, "I have citizens calling me. If it is moved, I would like to see it moved to the Orangeburg County Historical Society on Bull Street at our expense."

A motion was made by Councilmember Haire and seconded by Mayor Pro Tem Kalu to remove the Confederate statue located at Courthouse Square in the City of Orangeburg. The motion was unanimously approved.

City Attorney Walsh addressed Council. He stated, "You have the Resolution before you to rename John C. Calhoun Drive which, again, would require two-thirds vote of the General Assembly as required by The Heritage Act. This Resolution, in addition, appoints a committee of not more than 10 individuals in the City who would then submit three names to City Council for the purpose of renaming John C. Calhoun Drive."

Councilmember Stroman stated, "Renaming John C. Calhoun Drive will cost individuals that operate businesses there a lot of money to change the name of the addresses of their businesses. If that happens, I think we should give support. Also, I would like to say I do not think it should be

named a person's name. It used to be called Calhoun Street. I would like to see it go back to Calhoun Street, but I do not think we should name it in a person's name."

Mayor Butler responded, "Mr. Stroman, the Resolution states there will be a ~~comm~~²⁸⁹⁹ ten individuals that will bring name suggestions to Council."

Councilmember Stroman responded, "Maybe the public should vote on that. The public should have some input on it."

A motion was made by Councilmember Keitt and seconded by Councilmember Knotts to rename John C. Calhoun Drive. The motion was unanimously approved.

Lieutenant Colonel Ed Connor addressed Council. He stated, "You have before you a Resolution that would abolish the use of chokeholds and strangle holds. The Department of Public Safety is mandated every year to complete a policy review. During our policy review, there were situations that happened nationally. After review of our current Use of Force Policy, our command staff made recommendations that included a ban of chokeholds and strangle holds. Understand that these holds have never been a part of our policy and have never been taught by the South Carolina Criminal Justice Academy. In keeping with Public Safety's commitment to transparency, professionalism, and accountability, we are asking City Council to approve our recommendation to update the existing Use of Force Policy. Current events have brought attention to fundamental concerns with the function of our Department. Our Department wants to continue to better meet the needs of the community we serve, and we hope this resolves or improves relations and trust between the Department of Public Safety and our citizens. This revision also includes a duty to intervene so if an officer sees something that is inappropriate or illegal, or a violation against the policy, he or she has a duty to stop the officer that is in violation. The chokeholds and strangle holds policy changes are part of a national consistency policy on use of force through collaborated efforts with the following organizations, Commission on Accreditation for Law Enforcement Association (CALEA), International Association of Chiefs of Police (IACP), National Organization of Black Law Enforcement (NOBLE) and about eight other international ones."

A motion was made by Mayor Pro Tem Kalu and seconded by Councilmember Keitt to prohibit the use of chokeholds and strangle holds and directing amendment of Department of Public Safety Policy and Procedures. The motion was unanimously approved.

Councilmember Haire asked for reconsideration of the Resolution on John C. Calhoun Drive to include other street names.

Mayor Butler stated that he thought each street had to be done individually. Mayor Butler asked the City Attorney for clarification.

City Attorney Walsh stated, "Originally I was only requested to complete a Resolution for John C. Calhoun Drive. It is also what is presently on the Agenda. John C. Calhoun Drive is a Federal highway so I am not sure how that would affect it. I have not had time to research that. I would recommend that John C. Calhoun Drive be separate and if we have other streets, we could group them. It may be beneficial to have each one separate because each will have to be addressed by the General Assembly. If Council wishes in the future, we could group several streets in an additional resolution. I would not recommend amending the present Resolution."

Councilmember Haire responded, "Thank you."

City Administrator Yow addressed Council. He stated, "This is an Ordinance requiring individuals to wear face coverings in retail and foodservice establishments. South Carolina is experiencing a dramatic increase in COVID-19 cases and deaths. Experts such as the Centers for Disease Control (CDC), Office of the Surgeon General (OSG), and Department of Health and Environmental Control (DHEC) have strongly recommended the wearing of face masks or face coverings as a means of preventing the spread of COVID-19. Furthermore, the South Carolina Attorney General has issued a public statement that enacting local mask ordinances are within the authority of local governments. In fact, as of today, approximately 20 cities in South Carolina and some counties have already passed face covering ordinances. The penalties for noncompliance are set forth in the Ordinance. We will have the Ordinance posted on our website. For any retail or business establishments that want a copy, please contact us and we will be happy to furnish it for you. The

Ordinance clearly states when and where the face coverings are required. It also outlines some exemptions. This Ordinance will expire after the 61st day of its passage. Council could extend the Ordinance at a later date. We are furnishing the Department of Public Safety about 550 masks to have on hand. We will ask officers to help distribute them to persons to try to help reach compliance. We will also order more face masks to try to help bring our community in compliance with this Ordinance. I think this is a real opportunity for Orangeburg to lead by example. If we enact this Ordinance today, I hope we will look back 60 days from now and see our numbers much improved in the City of Orangeburg and across South Carolina. I will be happy to try to answer any questions."

Councilmember Haire stated, "There was an email from a concerned citizen in the additional information sent to us that breaks out what is covered and not covered. Have you had a chance to look at those and see what we might need to add to the Ordinance, like inside buildings open to the public, waiting to enter a public building, and some of the areas not covered under the Ordinance like personal vehicle, when a person is alone in enclosed spaces? Do you think that we may need to include these in our Ordinance?"

City Administrator Yow responded, "I have not had a chance to read that particular email since you mentioned that to me this morning, but was there a certain area or item that you would like to add as an amendment?"

Councilmember Haire responded, "I do not see those kinds of things spelled out in ours. We can amend this Ordinance later if needed, but I would like you to look at these things in the email from the Concerned Citizen and see if we can address them."

City Administrator Yow responded, "Let me read the definition of retail establishment and that may help add some clarification. 'Retail Establishment means any retail business, organization, establishment, or facility open to the public in the City including without limitation', so it does say any establishment or facility open to the public. That is a rather broad statement so we will be happy to look at that email and see if we think that covers it."

Councilmember Haire responded, "If you would, I would appreciate that."

City Administrator Yow responded, "One thing I did fail to mention is this would go into effect on July 3rd."

Councilmember Keitt stated, "My concern has to do with distancing. In stores, I have noticed that there are signs for you to distance yourself. The stores have done a good job putting up lines or circles that let you know how close you are supposed to be to the next individual. We are asking our citizens to please adhere to this. This virus is very serious. It should concern every one of us to make sure we are wearing a mask when we go out among others and distance yourself. The 4th of July is here, and we want people to understand this is serious. People are dying that did not have to die if we follow the rules and regulations. We are asking from City Council for you to please adhere to the rules."

Councilmember Hannah stated, "The masks are so important to all of us. The Ordinance, as Mr. Haire indicated, is not as strong as we would like it. I am just going on record that we need to come back and strengthen it because we want our citizens to have longevity and be strong. Once they see masks on a group of people, they will wear a mask. If they do not see masks, they will not wear masks."

Mayor Butler asked citizens to take heed to what was said so we can keep our City safe and see the numbers come down. He thanked City Administrator Yow for bringing this to Council because it is so important.

A motion was made by Councilmember Haire and seconded by Councilmember Keitt to approve the Ordinance requiring individuals to wear face coverings in retail and foodservice establishments and matters related thereto. The motion was unanimously approved.

Mr. Harley addressed Council. He stated, "The first DPU item is a status update on delinquent accounts. In your packets is a memo summarizing each one of our account types industrial, commercial, and residential. Currently we have 2,478 delinquent accounts, down from our highest

level of 3,060. Those delinquent account balances total \$1,750,000. We have been reaching out to our customers, both residential and commercial to work with them and give any opportunity for them to deal with the remaining balance they have on their accounts. We have also been working with our partner agencies to facilitate that process. Our customers are going to be ²⁰⁰¹ multiple opportunity and ways to deal with this going forward. I will be glad to answer any questions you may have at this time."

Councilmember Hannah asked, "What methods are being used to inform customers of delinquent accounts?"

Mr. Harley responded, "We have been routinely reaching out directly by our notification systems, email and contact information on file to notify them of their account balance and what they can do to help manage it. We have also reached out directly to our commercial customers to determine their status. For instance, some customers may not be operating. We are trying to understand where they are in their operation so we can work out payment terms."

Mr. Harley addressed Council concerning the second DPU item. He stated, "Before you is a Resolution authorizing the waiver of water and wastewater impact and tap fees for construction of the Orangeburg County Library. In your packet is a memo along with the detailed information of the costs and explanation of each charge. In summary, the impact fee is proposed on all new developments for projects to pay for a portion if not all the costs of providing the service. We charge impact fees to help mitigate the costs that future development causes on our system. We have discussed in our budget process that our current available capacity at our wastewater plant is 9 million gallons per day. As we reach capacity, we will be required to make plans to add more capacity. Whenever we hit that, we are projected to add another 3 million gallons per day of capacity. We would have to fund that, and these impact fees help mitigate those costs. Tap fees are the actual costs for us to do the installation and the costs of the crews' time and equipment, as well as, the purchase and installation of each tap. This tap is rather expensive because it is one of the larger taps. We would use a contractor in this case to install the tap for the customer, Orangeburg County. My recommendation is that we waive the impact fees, but not the tap fees because, again, the tap fees are in relation to equipment and installation of the tap at the point of service. I will be glad to answer any questions that you may have at this time."

Councilmember Haire asked for clarification on which fees Mr. Harley was recommending that we waive.

Mr. Harley stated, "I am recommending that we waive the impact fee and not the tap fee. The total cost for the impact fee is \$12,636. (\$6,804 for wastewater and \$5,832 for water) The tap cost for wastewater is \$1,200 and for water is \$21,806. There is also a cost for the fire service of \$3,154. Again, I am only recommending that we waive the impact fees."

Councilmember Haire responded, "I want to see the City and the County work together to improve Orangeburg as a whole. As Councilmembers are aware, we have a project we anticipate working on with the County as it relates to getting the cooperation of the County. So, I want to see that we as a City work with the County to establish a better relationship and move the City forward. The cost of the water tap is \$21,000, right?"

Mr. Harley responded, "Yes. \$21,806. I would like to point out because we will be using a private contractor, the cost is likely to be different. It is likely to be higher. We would have to bid it out."

Councilmember Haire responded, "Okay. The rationale for the private contractor versus our folks doing it?"

Mr. Harley responded, "The rationale for a private contractor is due to the COVID-19 virus, DPU is limiting close contact work. This is an activity that we would be forced in close contact. Because we have small, limited crews, we do not want to increase the opportunity of the spread of the virus and wipe out a crew which would severely put us at a disadvantage in managing our system long term. We have looked at our operations and anything that requires close contact, we have either reduced our time doing it or eliminated it for the time being."

Councilmember Haire responded, "Mr. Harley, what are the total waived fees and the total charged fees again?"

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Mr. Harley responded, "The County is requesting waiver of tap and impact fees. If we waive all the associated fees including the fire service costs, the total is \$38,796. Of that, the impact fee is \$12,636 and the tap fee is \$1,200 for the wastewater and \$21,806 for the water. It is a much larger tap required so that is why the cost is so high, and we are capped by state law on how much we can charge for the tap fee. We are limited to charging the actual cost for the tap installation. So, we would recommend that we allow the County, if they would like, to let their contractor purchase the tap and install it or we would run the bid and have a contractor do it. But we would recommend that those funds not come from DPU funding."

Councilmember Haire asked, "So, what I am hearing, you have not gotten with the County on this last position that you stated, right?"

Mr. Harley responded, "I have talked with Mr. Young and told him my recommendation. I actually sent him a copy of this packet last week, so he is aware of my recommendation."

Councilmember Stroman asked for clarification by Mr. Harley of the total amount of dollars that he is recommending that we waive.

Mr. Harley stated, "We are recommending that we waive the impact fee of \$12,636, but it is up to Council."

Councilmember Keitt stated, "My concerns are similar to Mr. Haire's. It has to do with the relationship we have with the County. We are really getting along quite well. This Orangeburg County Library will be in the City of Orangeburg which will be such a great impact for our citizens. Mr. Harley, I am asking if you could go back and talk with Mr. Young and see what would be feasible. We want to keep the relationship that we have with the County. The County and City should be one, a team."

Councilmember Stroman added, "I agree one hundred percent because we are going to be talking with them about our fire contracts. We need to work with the County. Thank you, Ms. Keitt."

Councilmember Knotts stated, "I, too, concur with the statement made by Mr. Haire and Ms. Keitt. I know \$12,636 sounds like a lot, but more is at stake. I think we need to be more open and extend the olive branch to the County. We are talking about the facility being used by all our residents, both City and County. I think it would be incumbent upon us to absorb the total for both the tap and impact fees."

Mayor Butler stated, "So we are getting a consensus that we would like Mr. Harley to go back and negotiate with Mr. Young about the total amount to see what can be done to bring us together"

Mr. Harley responded, "I certainly think Mr. Young and I had a great conversation. I sense Council wants to waive both tap and impact fees. I recommend for the ease of time and to make sure we do not delay the project that we make a decision at this point. I have included in the Resolution that at some point, future or present, the County will return to us in-kind services on something that we may need from them. I have discussed this with Mr. Young, and he is in agreement to being able to work that out. This is included in the memo and the Resolution, but I will need to amend the Resolution to include tap fees."

Councilmember Hannah stated, "This facility is going to be a tremendous asset to the City of Orangeburg. The City donated \$1 million from the penny tax, but I think we will reap more than that with the facility's location. It is going to be very beneficial to the citizens of Orangeburg. Once we get projects that we have on tap as far as revitalizing Railroad Corner, these projects are really going to make the City more presentable to the entire community and visitors. I see this as a win-win for us and I recommend we waive these fees."

A motion was made by Councilmember Keitt and seconded by Councilmember Hannah to adopt a Resolution for waiver of water and wastewater impact and tap fees for construction of the Orangeburg County Library. The motion was unanimously approved.

Mayor Butler stated, "I just want to go on the record that County Councilmember Delores Frazier stated that she supports us in all our efforts with the Resolutions. We want everyone to remember to wear your masks. Please stay safe and try to live peaceful with one another."

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A motion was made by Mayor Pro Tem Kalu and seconded by Councilmember Haire to adjourn. The motion was unanimously approved.

Respectfully submitted,


Carrie Johnson
City Clerk



/lhh



**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 19th and early 20th 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 20th 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".

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



Michael C. Butler
Mayor

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]
Members of Council

Attest: [Signature]
City Clerk



RESOLUTION TO RENAME JOHN C. CALHOUN DRIVE

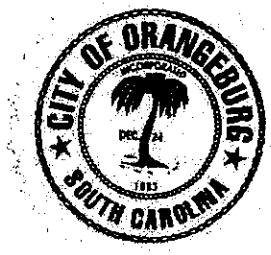
- WHEREAS,** John C. Calhoun was a South Carolina Senator and Vice President of the United States who supported the institution of slavery and believed in the inequality of races; and
- WHEREAS,** while the City does not intend to forget the history of his efforts as a statesman and his public service, 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 30th 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 30th day of June, 2020.



Michael C. Butch
Mayor
[Signature]
Richard J. Starn
[Signature]
[Signature]
[Signature]
[Signature]
Members of Council

Attest: [Signature]
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 30th 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 30th day of June, 2020.



Michael C. Butch
Mayor

[Signature]

Richard F. Harris

[Signature]

[Signature]

[Signature]

[Signature]
Members of Council

Attest: [Signature]
City Clerk



RESOLUTION

A RESOLUTION AUTHORIZING THE WAIVER OF WATER AND WASTEWATER IMPACT AND TAP 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 30th day of June, 2020.

Michael C. Bush
MAYOR

Richard F. Stearns

Brenda Hays

L. Zimmerman-Krist

Jordan P. Kuytes

Kevin A. ...

James C. ...
MEMBERS OF COUNCIL



ATTEST:
Carole ...
CITY CLERK