

March 17, 2020
Charleston, SC

An emergency meeting of Charleston County Council was held on the 17th day of March 2020, in the Beverly T. Craven Council Chambers, Second Floor of the Lonnie Hamilton, III Public Services Building, located at 4045 Bridge View Drive, North Charleston, South Carolina.

Present at the meeting were the following members of Council: J. Elliott Summey, Chairman, who presided; Jenny Costa Honeycutt, Teddie E. Pryor, A. Victor Rawl, and Herb Sass. Messrs. Darby, Schweers, and Ms. Johnson were absent.

Acting County Administrator Bill Tuten and County Attorney Joseph Dawson were also present.

Reverend Reid gave the invocation and Chairman Summey led the pledge.

The Clerk reported that in compliance with the Freedom of Information Act, notice of meetings and agendas were furnished to all news media and persons requesting notification.

The Chairman called on Emergency management Director Jason Patno to provide an update on the COVID19/coronavirus.

Mr. Patno reported that in response to the threat of COVID19:

- On March 16, Charleston County had moved to Operating Condition (OPCON) 2. He reminded Council that there are only 3 operating conditions.
- Citizens Info Line had been opened and would remain open Monday – Friday from 9 AM – 5 PM until further notice.
- Telecommuting had been tested among staff to ensure the County's readiness for operating on a work from home schedule.
- The Consolidated Dispatch Center had implemented an additional screening protocol for those who call 9-1-1 presenting symptoms related to COVID19.
- The County had worked with employees who have children in response to the closure of public schools.
- Emergency Management had led a series of Tri-County Emergency Management calls with the first call occurring on February 21.
- The County was encouraging citizens to use telepay or electronic pay methods of payment instead of coming into the County's public facilities.

The Chairman thanked Mr. Patno for his report and told Council that Mr. Patno had been working in emergency management for 22 years. He was known across the country and particularly in the southeast as one of the top professionals in his field and the County was blessed to have him. He added that the County is used to responding to natural disasters such as hurricanes and flooding, but this threat is unprecedented and thanks to Jason's leadership, he knew the County's response would be top notch.

He welcomed Deputy Administrator of Public Safety Eric Watson to the staff. He shared that Mr. Watson's first day on the job had been Friday when the Governor had declared the state of emergency.

**COVID19/
Coronavirus
Update**

The Chairman reported that yesterday he had met with every Elected and Appointed official regarding their plan for continuation of operations in light of this emergency. Every department that reports to the Administrator also has a continuation of operations plan and the Chairman encouraged Councilmembers to speak directly with Mr. Tuten or Mr. Patno regarding those plans. He added that at this time County government operations would continue at a limited basis. A plan was in place to ensure employees would be kept whole regardless of their ability to report to work or work from home. The ability exists to have a large number of employees to work from home. The Chairman stated that in the ordinance which had been drafted, there was the ability to meet telephonically. He stated that the Governor's Office had suspended the rules requiring in-person meetings for the purpose of taking action, and in light of DHEC recommendations regarding social distancing during this state of emergency, Council would move to hold electronic meetings. He thanked Council for the support it shows employees year after year in the face of having to activate for emergency response 6 times in the past 4 years. He stated that he had tasked the Administrator and his staff to come up with a way to compensate employees who are activated and keep other employees whole.

Mr. Rawl asked if the Emergency Operations Center would be operated at the PSB or at the Emergency Services Building. Mr. Patno responded that the County has stood up a back-up EOC at the PSB. A decision had been made not to staff the EOC because staff may already be experiencing shortages at this time and in light of the recommendations for social distancing.

Mr. Rawl also asked if the County had vetted the information in the ordinance pertaining to the ability to call for a curfew as he was concerned about the legality of the County implementing a local curfew without the authority being granted by the Governor. Mr. Dawson stated that he had not revisited the concept since the last time the County had discussed it in the face of a previous state of emergency. The concept of this potential curfew would be one where the County worked in concert with the local municipalities where the mayors and Chairman would decide on the implementation of a local curfew if the need for one arose in the future. The Chairman stated that it would never be his intention to call for a curfew without direction from the Governor. He added that the County is in constant contact with the Governor's Office, the state EMD, DHEC, and all of the municipalities, not just the big 3 and would never step out on its own. Mr. Rawl added that he would be very leery of the County, even in concert with the local municipalities, entering into a curfew scenario without a request or understanding from the state or federal government to do so.

Mr. Pryor stated that it would be his preference for the Chairman not to act alone if the need for a curfew arose because it takes 5 people on Council to make something happen and to leave it in the hands of one individual would not be the right thing to do when a meeting could be called by conference call or video conference.

Mr. Dawson advised that it appeared Council was asking questions regarding the state of emergency declaration and it would be prudent to move to that item on the agenda if they wanted to continue discussions.

The Chairman asked if anyone had any further questions for Mr. Patno. Hearing none, he announced that the next item on the agenda was the declaration of a state of emergency in Charleston County.

**State of
Emergency
Ordinance**

Mr. Sass moved approval of the emergency ordinance. The motion was seconded by Mr. Moody.

Mr. Pryor questioned the section of the ordinance limiting public assemblies for non-emergency activities. He asked what type of assemblies would be limited and if there was a number of people who would be limited from gathering. Mr. Dawson stated that the ordinance does not expressly state any type of gathering or number of people gathering, but the concept would be to take guidance from the state or federal government regarding this. Mr. Dawson stated that the majority of the provisions of this ordinance are provisions Council has routinely adopted for emergencies. This section has always been included, but to his knowledge a Chairman has never moved to enact it, but in the face of this crisis, it is more applicable than it has ever been. Mr. Dawson stated it was his understanding that the Chairman would keep Council abreast before making those decisions. He stated the last paragraph was added to this ordinance memorizing for the first time the ability to meet telephonically. It is only intended currently for Council to call in to receive updates and allows the public to participate. However, currently Council would not be able to take action. Another item that was added was suspending the enforcement of the plastic bag ban to give businesses the flexibility if they run out of paper to use plastic. Another item that is new is regarding the suspension of collection of hospitality and accommodations taxes. Because the County has contracts with many of the municipalities, this is added to give flexibility to amend the contract should the mayors of the municipalities want to suspend collection of those taxes. Regarding the Chairman's comments earlier about how to pay employees given the emergency situation, this ordinance gives staff the flexibility to come up with an emergency compensation.

Mr. Moody asked if the collection of accommodations tax was a deferral to help those businesses with cash flow. Mr. Dawson stated Mr. Moody was correct. The taxes would still be collected, just not on the typical collection schedule. Mr. Moody thanked the Chairman for the summary and stated that his priority is the safety of citizens and employees, but not completely shutting down so the economy and government can keep operating while protecting our employees.

Mr. Rawl asked for clarification regarding the ability for Council to meet by telephone, but not vote by telephone. Mr. Dawson stated that the intent would be to keep everyone informed about County Government without coming to the building. Mr. Dawson stated he was not yet comfortable with action being taken by phone, but this would give staff the ability to work on the framework for that to occur should the ability to take action become available in the future. Mr. Rawl stated if action needed to be taken to authorize the Attorney's Office to further investigate and get back with Council on how action could be taken telephonically, he would move for that. Mr. Summey stated they have been on calls with the Governor's Office about it and believe that is where the decision lies, but they will report back to Council when they get more information.

Mrs. Honeycutt asked if there was already a plan in place regarding the provisions to limit people's mobility in the ordinance, and if so, what platforms would be used to get the information out to the citizens. Public Information Officer Shawn Smetana stated they have traditional means like the local media and social media, but also use Everbridge system which is a reverse 911 call if a message needs to be sent out. Mr. Summey stated the Everbridge system sends a message out to all citizens on whatever telephone devices

they use. In addition, Charleston County Emergency Management has an app that one can download free on their phone and the app pushes notifications to subscribers.

The Chairman called for a vote on the motion, which passed unanimously.

The ordinance was given its first and only required reading by title only. The ordinance is as follows:

**AN ORDINANCE
DECLARING A STATE OF EMERGENCY FOR CHARLESTON COUNTY
DUE TO THE THREATS POSED BY THE 2019 NOVEL CORONAVIRUS (“COVID-19”)**

WHEREAS, pursuant to the authority granted to Charleston County Council (“County Council”) under S.C. Code Ann. § 4-9-130 and the provisions of the Code of Ordinances of Charleston County, South Carolina, Chapter 7, Emergency Preparedness, and the Charleston County Emergency Preparedness Plan, County Council finds it necessary to declare a State of Emergency for the reasons set forth below; and

WHEREAS, on March 13, 2020, the President of the United States of America declared that the COVID-19 outbreak in the United States constitutes a national emergency, that began on March 1, 2020; and

WHEREAS, the Governor of South Carolina declared a state of emergency through the issuance of Executive Order 2020-08, dated March 13, 2020, finding that COVID-19 presents a threat to the public health, communities, and the general safety and welfare of the people of South Carolina; and

WHEREAS, Charleston County Council finds that a State of Emergency exists due to the potential health effects and health risks posed by COVID-19 and that COVID-19 poses an actual or imminent public health emergency for the citizens of Charleston County; and

NOW, THEREFORE, Charleston County Council hereby adopts the above-referenced recitals herein as findings of County Council by reference, declares that a State of Emergency exists as described below, and directs that the Administrator and County staff exercise the authority set forth below;

The areas of Charleston County affected by this Emergency Declaration include all portions of Charleston County. This State of Emergency shall continue for a period of (15) days unless sooner terminated by act of Charleston County Council.

Pursuant to the powers provided in the Code of Ordinances of Charleston County, South Carolina, Chapter 7, Emergency Preparedness, the County Administrator and Director of Emergency Preparedness, in consultation with the Chairman of County Council, shall issue all such orders and directives as they deem necessary to protect public life, health and safety in carrying out the following duties and responsibilities:

1. Utilize all available resources of County Government as reasonably necessary to cope with a disaster emergency.

2. Direct the personnel and functions of County Departments and agencies or units thereof for purposes of facilitating or performing emergency services as reasonably necessary and to implement emergency compensation plans for the performance of the same. Implement the duties and functions assigned in the County Emergency Operations Plan.
3. Implement the duties and functions assigned in the County Emergency Operations Plan.
4. Suspend the Charleston County Procurement Ordinance to allow for the immediate procurement of supplies, services and construction due to the threat to public health, welfare, and safety.
5. Implement the Order of the Governor of the State if such action is deemed necessary for preservation of life or other mitigation, response or recovery.
6. Control ingress and egress to and from the area, the movement of persons within the area and the occupancy of premises therein.
7. Make provisions for the availability and use of temporary housing.
8. Suspend or limit non-emergency activities and public assemblies.
9. Suspend the collection of County and municipal accommodations and hospitality taxes as agreed to by local municipalities as applicable.
10. Suspend enforcement of Ordinance 2047 (the "Plastic Bag Ordinance").
11. Authorize the establishment and extension, as necessary, of a curfew in the unincorporated areas of Charleston County at dates and times to be determined in consultation with the officials of municipalities in Charleston County and in coordination with the Chairman of Charleston County Council, during which the streets and all public rights-of-way and public property thereof shall be closed to the general public for travel, both vehicular and pedestrian. Violation of this ordinance shall be punishable by a fine of not more than five hundred dollars and/or 30 days in jail.

Due to the potential health effects and risks posed by COVID-19 resulting from public assemblage, the Chairman shall be authorized to conduct special committee meetings of council via video and/or teleconference whereby council members and the public may attend and participate remotely for the purpose of updates and briefings of County Council.

If, for any reason, a court of competent jurisdiction invalidates any part of this Ordinance, the remaining portions of this Ordinance shall remain in full force.

THIS DECLARATION OF A STATE OF EMERGENCY enacted this 17st day of March 2020.

CHARLESTON COUNTY

By: _____
J. Elliott Summey, Chairman
Charleston County Council

The Chairman asked if any member of Council wished to bring a matter before the Body.

**Council
Comments**

Mr. Pryor thanked the first responders that are always out there protecting us and told everyone to keep safe.

Mr. Sass stated Council needs everyone's help with this. He stated he appreciates all of staff for what they were doing and the first responders in all the counties and that he hoped everyone would stay safe in this situation as this is not a hurricane. We do not know when it is coming and going and there are a lot of unknowns.

Mr. Moody stated he hoped everyone would be smart and not put our employees at risk unnecessarily.

Mrs. Honeycutt thanked staff and citizenry. Mrs. Honeycutt stated it is important that leadership is able to communicate with the public and that citizens be careful with the information they are sharing to ensure it is accurate. In addition, Charleston County is a resilient community and the response already has been incredible as parents, students, and teachers work and teach from home.

Chairman Summey stated it is times like this that he feels blessed to serve with the other eight members of Council, staff, and the elected and appointed officials. The Mayors and State have been very cooperative, transparent, and communicative. He stated the employees of Charleston County care very deeply and God blessed the first responders, employees, and citizens of Charleston County.

There being no further business to come before the Body, the Chairman declared the meeting to be adjourned.

Kristen L. Salisbury
Clerk of Council