

Aiken City Council Minutes

SPECIAL CALLED MEETING

April 3, 2020

Present: Mayor Osbon, Councilmembers Brohl, Diggs, Girardeau, Gregory, Price, and Woltz.

Others Present: Stuart Bedenbaugh, Gary Smith, Kim Abney, Sara Ridout, Gary Meadows, and Angela Hales.

The meeting was a virtual meeting held by using electronic devices with Councilmembers and staff members all in different locations because of the coronavirus pandemic. The meeting was streamed live on the City's YouTube channel for the public.

CALL TO ORDER

Mayor Osbon called the special meeting of April 3, 2020, to order at 3:30 P.M.

Councilmember Brohl led in prayer and Mayor Osbon led the pledge to the flag.

Mayor Osbon stated the purpose of the meeting was to amend the city's emergency ordinance to make it more in line with the latest Governor's order and also to help law enforcement. He noted for the citizens who were viewing the streaming there was a way for public comment. One may email comments to publiccomment@cityofaikensc.gov. Comments will be recognized. If one emails comments, he asked that they include their name and address in the email.

ORDINANCE 04032020

Coronavirus
Covid-19

Mayor Osbon stated for consideration at this special meeting was an emergency ordinance amending Emergency Resolution 03162020. He asked for a motion to approve the emergency ordinance. Councilwoman Diggs moved, seconded by Councilman Woltz that Council approve the emergency ordinance to amend the Emergency Resolution adopted by Council on March 16, 2020.

Mr. Bedenbaugh noted that with the unprecedented issues presented by COVID-19, we have passed several emergency measures. In this ever changing environment, we are now presenting an Emergency Ordinance amending the first resolution Council passed in a special meeting on March 16.

The ordinance lists the non-essential businesses that are closed by the Governor's executive order issued on March 31. It also asks the Governor to declare a State of Emergency calling for a mandatory shelter in place for all South Carolina citizens, except those requiring or providing an essential service. The ordinance also reiterates the need for social distancing, limits social gatherings and allows bars and restaurants to be open for take-out and delivery services only – no in-person dining is allowed. Our Public Safety and other sworn personnel are authorized to enforce this ordinance.

Mr. Bedenbaugh read the ordinance in full that was being considered.

AN EMERGENCY ORDINANCE AMENDING EMERGENCY RESOLUTION
03162020.

WHEREAS, it is well recognized that SARS-CoV-2, the virus that causes the disease COVID-19, presents a public health concern that requires extraordinary protective measures and vigilance; and

WHEREAS, these matters have taken many forms across the nation including travel

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bans, school closures, individual quarantines, and cancellation of major events, among other measures; and

WHEREAS, the City of Aiken is working with other government agencies in an effort to prevent the spread of disease; and

WHEREAS, Section 5-7-250 of the South Carolina Code of Laws empowers Council to enact emergency ordinances affecting life, health, safety, or the property of the people; and

WHEREAS, on March 13, 2020, Governor Henry McMaster declared a state of emergency in South Carolina; and

WHEREAS, on March 16, 2020, by Resolution No. 03162020, the City Council of the City of Aiken declared a local state of emergency in the City of Aiken; and

WHEREAS, Covid-19 is now aggressively spreading across the state with the South Carolina Department of Health and Environmental Control ("SCDHEC") confirming the localized person-to-person spread of COVID-19 in South Carolina, which indicates a significantly increasing risk of exposure and infection to City of Aiken residents and creating an extreme public health risk; and

WHEREAS, as of April 2, 2020, the total number of cases in the State of South Carolina is at least 1,554 cases and 31 deaths with 22 cases in Aiken County as reported by the South Carolina Department of Health and Environmental Control; and

WHEREAS, if COVID-19 spreads in the City of Aiken at a rate comparable to the rate of spread in other countries, the number of persons relying on medical, pharmaceutical, and general cleaning supplies will increase, the private and public sector work force will be negatively impacted by absenteeism, and the demand for medical facilities may exceed locally available resources; and

WHEREAS, it is vitally important that we all work together to decrease the widespread proliferation of COVID-19 among us all now rather than suffer the unfortunate and devastating consequences later; and

WHEREAS, it is imperative that residents and non-residents of the City of Aiken shelter at home, unless working at or conducting business with businesses in compliance with the Governor's Executive Orders, remain at a safe distance of at least six (6) feet from others while in public, seek medical attention, if sick, via a telehealth service provider, continue to be vigilant with hand-washing, remain calm, and only purchase necessary supplies for immediate use; and

WHEREAS, by taking measures to control outbreaks minimizes the risk to the public, maintains the health and safety of the people of the City of Aiken, and limits the spread of infection in our communities and within the health care delivery system; and

WHEREAS, Aiken County is in a unique position compared to other counties in the State of South Carolina in that Aiken County is located adjacent to the border with the State of Georgia whose Governor issued an Executive Order on April 2, 2020 ordering residents of the State of Georgia to "Shelter-in-Place" in their residences except to conduct essential business beginning at 6:00 p.m. on Friday, April 3, 2020 and expiring at 11:59 p.m. on Monday, April 13, 2020; and

WHEREAS, the Council of the City of Aiken would like to respectfully call upon Governor Henry D. McMaster to issue a mandatory stay at home Executive Order, unless providing or requiring an essential service, for the State of South Carolina for a minimum period of fourteen (14) days, or such other period as may be determined to be appropriate by the Governor or the South Carolina Department of Health and Environmental Control and deemed necessary to protect the public health, safety and welfare of the population of the State of South Carolina; and

WHEREAS, in order to protect, preserve, and promote the general health, safety and welfare and the peace and order of the community, the City of Aiken is taking steps to try to protect the citizens and employees of the City of Aiken from increased risk of exposure; and

WHEREAS, at this crucial time, it is necessary for the City of Aiken to undertake and coordinate all necessary and reasonable activities for this emergency response, to take all appropriate action required to alleviate the effects of the coronavirus disaster emergency, including action following the guidelines of the CDC and the SCDHEC, to and in the aid of essential public services, and to take any other lawful emergency response or action deemed necessary to protect the public health, safety and welfare of the City of Aiken.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF AIKEN HEREBY ORDAINS THAT:

Section 1: City Council hereby respectfully calls upon Governor Henry D. McMaster to issue a mandatory stay at home Executive Order, unless providing or requiring an essential service, for the State of South Carolina for a minimum period of fourteen (14) days, or such other period as may be determined to be appropriate by the Governor or the South Carolina Department of Health and Environmental Control and deemed necessary to protect the public health, safety and welfare of the population of the State of South Carolina.

Section 2: Effective immediately, citizens of the City of Aiken are advised to stay in their homes and not travel through or congregate in the streets, sidewalks, and/or public spaces in the City of Aiken, except for the purposes of working at or conducting business with businesses in compliance with the Governor's Executive Orders [these businesses are defined as those businesses which have not been determined to be "non-essential" businesses as set forth in Governor McMaster's Executive Order No. 2020-17 and set forth in paragraph B hereinbelow].

- A) Individuals, who must go out for purposes of working at or conducting business with any businesses conducting business in compliance with the Governor's Executive Orders, shall practice social distancing of at least six feet with the exception of those traveling in the same vehicle to or from these businesses.
- B) Pursuant to Gov. Henry McMaster's Executive Order No. 2020-17, issued March 31, 2020 and subject to any further clarification, guidance, rules, regulations, or restrictions issued, provided, or promulgated by the South Carolina Department of Commerce, effective Wednesday, April 1, 2020, at 5:00 p.m., the following "non-essential" businesses, venues, facilities, services, and activities shall be closed to non-employees and shall not be open for access or use by the public—to include members, if access or use is ordinarily restricted to or based on membership—or shall not take place, as applicable:
 - A. Entertainment venues and facilities as follows:
 - (a) Night clubs
 - (b) Bowling alleys
 - (c) Arcades
 - (d) Concert venues
 - (e) Theaters, auditoriums, and performing arts centers
 - (f) Tourist attractions (including museums, aquariums, and planetariums)
 - (g) Racetracks
 - (h) Indoor children's play areas, with the exception of licensed childcare facilities
 - (i) Adult entertainment venues
 - (j) Bingo halls
 - (k) Venues operated by social clubs

- B. Recreational and athletic facilities and activities as follows:
 - (a) Fitness and exercise centers and commercial gyms
 - (b) Spas and public or commercial swimming pools
 - (c) Group exercise facilities, to include yoga, barre, and spin studios or facilities
 - (d) Spectator sports
 - (e) Sports that involve interaction in close proximity to and within less than six (6) feet of another person
 - (f) Activities that require the use of shared sporting apparatus and equipment
 - (g) Activities on commercial or public playground equipment

- C. Close-contact service providers as follows:
 - (a) Barber shops
 - (b) Hair salons
 - (c) Waxing salons
 - (d) Threading salons
 - (e) Nail salons and spas
 - (f) Body-art facilities and tattoo services
 - (g) Tanning salons
 - (h) Massage-therapy establishments and massage services

- C) Social gatherings of 10 or more people, for any reason other than those activities and/or businesses defined as “non-essential” as set forth above, is prohibited; however, pursuant to Gov. Henry McMaster’s Executive Order No. 2020-13, issued March 23, 2020 officers of the City of Aiken Department of Public Safety are authorized “to prohibit or disperse 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.” These provisions shall not apply to gathering at a church, synagogue or mosque for the purposes of worship.

- D) Places conducting business in compliance with the Governor’s Executive Orders shall take all reasonable measures, including limiting the number of individuals in their businesses, to facilitate and ensure social distancing of at least six feet.

- E) Bars and restaurants which prepare, produce, or otherwise offer or sell food or beverages, of any kind, shall be prohibited from permitting dine in or on premises consumption of food or beverages whether indoors or outdoors, however, they may continue to offer pickup, take out or delivery services for consumption off premises.

Section 3: Individuals should limit outdoor activities to those that allow for social distancing of at least six feet, do not entail coming into close contact with other people or involve the sharing of equipment.

Section 4: The City of Aiken Department of Public Safety, Building Inspections Division, and their designees, and Code Enforcement Officers are hereby authorized to inspect and determine whether businesses that are operating in compliance with the Governor’s Executive Orders are otherwise complying with this emergency ordinance. For the duration of this Ordinance, it is unlawful for a person to willfully fail or refuse to comply with any lawful order or direction of these individuals or their designees issued pursuant to this Ordinance.

Section 5: Emergency Resolution No. 03162020 is hereby amended as set forth herein.

Section 6: Should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions,

sections, paragraphs, sentences, or words of this ordinance as hereby adopted shall remain in full force and effect.

Section 7: In the event Governor Henry McMaster exercises any power enumerated under S.C. Code Ann. Sec. 25-1-440 in a manner that conflicts with a provision of this ordinance, the conflicting portion of this ordinance shall immediately cease to have force and effect. Otherwise, this emergency ordinance shall be terminated by the issuance of another ordinance or shall automatically expire on the 61st day after enactment of this ordinance, whichever date is earlier.

Section 8: This emergency ordinance shall become effective upon adoption by the Council of the City of Aiken.

ADOPTED by the Council of the City of Aiken by a two-thirds vote at regular meeting held this 3rd day of April, 2020, at which a quorum was present and voting.

INTRODUCTION, FIRST READING AND ADOPTION: April 3, 2020

Mayor Osbon asked Ms. Abney, Assistant City Manager, if there were any email comments. She responded there were no comments at this time.

Mayor Osbon asked for comments from the Councilmembers.

Councilwoman Price asked about failure to comply. Mr. Smith, City Attorney, stated the failure is to comply with the Governor's order. He said he would have to look at the Governor's order. He said he thought the Governor set specific fines and penalties in his order, and he authorized law enforcement to enforce the Governor's order which is referenced in the proposed ordinance.

Councilwoman Price stated another question regards construction workers, commercial and residential. She asked if they could continue to work as long as they are 6 feet apart. She thought the ordinance did not prohibit them from continuing to work. Mr. Smith stated the Governor's order did not prohibit construction workers from working as long as they comply with the Governor's order.

Councilwoman Brohl stated the Governor's order says if anyone does not comply they are guilty of a misdemeanor and upon conviction must be fined not more than \$100 or in prison for not more than 30 days. She noted that she was trying to figure out what is different from we are doing and what the Governor put forth in executive order 2020-13 and 2020-17. She said they seem the same to her. She noted that Section (e) states "that in accordance with Section 1-30-440 of the South Carolina Code of Laws I authorize, order and direct any state, county, or city official to enforce the provisions of this order or any future orders issued in connection with the present state of emergency." She pointed out that from what she is reading the city already has all the authority.

Mayor Osbon stated he thought Councilwoman Brohl was correct. First of all the city's emergency resolution was not in line with what the Governor had set forth. He stated in putting the ordinance together some of the language we are adopting came from the South Carolina law enforcement organization in clarifying the role of our Public Safety Officers and our Code Enforcement officers. What we would be reiterating with the proposed ordinance is the social distancing, large gatherings, and specifically with code enforcement and Public Safety, they feel that the wording enables them to go into large box stores where we see so many parking lots full. He pointed out, however, in the last few days some of those places have sent down from headquarters direction as far as limiting the number of people in the store at a time, and when they are waiting having marked social distancing. He showed a poster of safety tips that the Public Safety Officers would be taking to the businesses for COVID-19. He felt that is the point of the ordinance—to encourage one more time and reiterate the safety that we are asking our citizens to remember. He said they looked at what other municipalities had written. It was felt that it was very important that we stay with what the Governor had clearly defined as non-essential businesses. He said the group studying the matter did not try to define what was non-essential as the Governor had done that. The Governor's

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emergency order would take precedent over what the city might do. He said the group tried to give clear direction and strength so our Public Safety and Code Enforcement could go out and clarify decisions to keep our citizens safe.

Councilwoman Brohl stated she thought we had that authority already. She noted that she did not want people to be panicking and thinking the City knows something that we are not divulging to the public. She pointed out some people are handling it very well, but others are not. Her concern was that she could not see any difference in the proposed ordinance and wondered why we needed to have it.

Mayor Osbon stated it is not about panic, and he felt the majority of our people are trying to do what is right and practice the social distancing. However, when you go by some parking lots they are full, and you see that not everyone is adhering to that. It is for those individuals that we are reinforcing the social distancing. It is for safety purposes.

Councilwoman Diggs stated she had received a text asking if they would be allowed to go to Hobby Lobby, Walmart, Dollar General, Roses and businesses like that. She said she thought it meant that we only need to go out for food and essentials.

Mayor Osbon stated the City is not allowed to redefine what essential and non-essential are. We are working within the parameters of what has already been defined by the Governor. He noted the City would be working through Public Safety and our Code Enforcement with the stores mentioned to make sure they have a policy in place. He said we are strongly encouraging with the strongest language that we can for our citizens that if they need to go to one of those places that they go in, go out and go home.

Councilwoman Gregory stated the proposed ordinance is respectfully calling upon the Governor to issue a mandatory stay-at-home executive order. It is basically suggesting to the Governor that he rethink this and do this for the whole state. It is not the City of Aiken imposing anything. The proposed ordinance is the strongest language that we can use to try to hopefully get to the Governor. She said she understands other cities are suggesting the same thing to our Governor, but the State of South Carolina has not yet made that a mandatory motion. She said also Section 2 states "effective immediately, citizens of the City of Aiken are advised to stay in their homes." She said the City would be strongly advising and urging that the citizens of Aiken stay in their homes and not travel through or congregate in the streets, sidewalks, and/or public spaces in the City of Aiken. According to the language, it is not a mandatory initiative at this time, but the leadership, staff and those in communication with DHEC, CDC and various organizations, are strongly recommending our community do that. She wanted to make sure everybody understands that because when the public announcement went out yesterday, the impression was that the City of Aiken was going to move to a shelter in place. She noted that is not what the proposed ordinance does.

Mr. Smith stated the ordinance does two things. It respectfully asks the Governor to issue a stay at home order for the entire state. It also advises our citizens as much as possible to stay at home, but if they are going out to a store that they get back as soon as possible.

Councilwoman Gregory stated as a Councilmember in the City of Aiken she hoped and urged everybody who watches the meeting to follow the guidelines. She said she agrees with Councilwoman Brohl that we do not want to cause a sense of panic, and we won't panic if we follow the guidelines for everyone to stay as safe as they can. She noted that the precaution we take at the end of the day will help cultivate how our health community, hospitals and our medical staff can respond to this matter. We need to help them. She said we need to help the City of Aiken, Aiken County and our medical communities around us to be able to manage, respond and be able to tolerate an influx of patients that may come in due to the virus that is going around. She encouraged the citizens to be responsible and maintain the social distance, stay at home, follow work orders, take our advice, and stay healthy.

Councilwoman Diggs asked how the City would advertise the proposed ordinance. She noted a lot of people are not watching the Council meeting, and not reading the

newspaper. She noted that a lot of people are not taking the matter seriously. She wondered if the media would be notified of any action taken. She pointed out the virus spreads very easily. The CDC is saying it may spread even through breathing and talking. They are suggesting that citizens wear a mask. She stated she sees a lot of people who are still trying to do things close together. A lot of our citizens are not taking the virus seriously. She felt it was very important that we get the word out to everyone.

Councilman Woltz stated he was disappointed when he looks around the country and sees that South Carolina is the one state in our part of the country that hasn't done a shelter-in-place. He felt we need to pass something like this to encourage our Governor to do a shelter-in-place. He noted that it is obvious the only way to stop the virus is isolation, and we need to encourage that. He said the fact that we have not done a shelter-in-place is disappointing to him. He felt it sends a message of how we think about it ourselves versus other people in the country. He noted that Aiken has a good hospital, but as good as the hospital is it is not large enough to handle a breakout of the virus. One thing we can do is to encourage people to stay home. The purpose of this is to encourage people to take this matter serious and stay home. The economy will get worse whether we do a shelter-in-place or not. He pointed out the proposed ordinance is the best thing we can do without making it mandatory which we can't do. However, we can tell people to stay home and watch what you do. The only way to stop the virus is through isolation.

Councilwoman Price stated to add to Councilman Woltz's comments, Governors of Georgia and North Carolina have given executive orders to shelter-in-place and South Carolina is in the middle of those states. She said you have to ask why does South Carolina have to be at the bottom. Why can't we lead in some effort of this nature. She felt after the Governor hears from a number of municipalities across the state, that he will have some second thoughts. She pointed out one of the largest employers in our area, the Savannah River Site, because of Georgia's executive order they have a curfew. If you are on the road and are stopped, you need to have a Letter of Access indicating where you are going and that you are an essential employee. She noted that 14 days is not a long time to stay in and get control of the virus. She pointed out that if someone can't stay in for 14 days for the safety of others, she questioned what they are thinking about in terms of safety for their family members, their close relatives and others that they love and care about.

Mr. Bedenbaugh stated regarding the comments about publicizing the regulations, that Public Safety and Code Enforcement personnel will be taking the posters to the businesses. We will also be pushing this out on all of our platforms, YouTube, facebook, the traditional media of newspapers and TV stations, etc. They were informed of the special meeting and proposed ordinance.

Councilwoman Price noted that she understands that some of the businesses are already enforcing the regulations and have notices posted in the businesses regarding social distancing for the customers as well as their employees.

Councilwoman Gregory stated she was receiving comments from constituents during this meeting. She said one of the concerns is that we are requesting the Governor to make a stand advising our citizens to shelter-in-place or at home, but the concern that a lot of people have is that the numbers do not justify the shelter-in-place. She said her response is that based on the health care professionals that she had spoken to, city staff and leadership, and people in other cities, she has been told that the numbers are not representative of the infection rate that is actually out there. She noted that is alarming to her. She pointed out that CDC and DHEC are giving numbers, but because of the current lag in testing, the private testing, and the backlog, the numbers being given are SCDHEC numbers only, and they are not representative of the actual testing being done and those actually infected. She said she shares that not to cause panic or alarm, but there seems to be a lag in information. She noted one thing not being reported is the number of quarantined citizens in the DHEC numbers.

Mr. Bedenbaugh stated he was hearing the same thing that due to the backlog of testing that the numbers are much higher than the reported numbers. That is why at the city, we have had to have employees quarantined. It is better safe than sorry. We have to take

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this very seriously because this virus is very infectious. He said he agrees that while the numbers reported are low, he feels the numbers are significantly higher. He said that is what he has heard from the professionals. He noted that the numbers reported are confirmed cases of coronavirus.

Mayor Osbon stated he had spoken to several health care providers and physicians, and they are saying we are not doing enough. We have to be prepared. He said when he hears that the numbers aren't enough to merit a shelter-in-place, he asks the question of how many people have to get sick and die before we say that is enough before we do anything.

Councilwoman Price stated she was told that one carrier can infect 12 people. Councilwoman Diggs pointed out there are so many people who are asymptomatic, and they don't know they have the virus and they are walking around and spreading the virus to others.

Councilman Woltz stated we are at the point that this is the right thing to do and the best thing we can do for our citizens. He said he believes that and felt we need to take action on it.

Councilman Girardeau stated he felt it is inevitable that the Governor will finally issue a stay-at-home order as we are surrounded by states that have done it. He noted that the main thing now is that we are not changing anything that the Governor has already said we need to do. We are just telling people to be sensible and expect a stay-at-home order.

Mayor Osbon stated he felt the proposed ordinance announces that as a city and city staff that we are going to do inspections and work with the large boxes in the city. We are going to give guidelines. It is about accountability for the businesses as well as the citizens to make sure measures and policies are in place. We are not going beyond anything the Governor has already done, but we are going to make sure and urge people to uphold the safety standards.

Councilwoman Price stated her question was the reference in the Governor's order for failure to comply with the order. She asked if that part of the code was in the document considered for adoption or would we refer to the Governor's order if we need to for failure to comply.

Mr. Smith, City Attorney, stated he did not see the need to put all of the provisions of the Governor's order in the ordinance that City Council is considering. He said we wanted to make sure that the businesses that the Governor has deemed to be non-essential were actually listed in case somebody had not seen the Governor's list and to make sure they are in compliance with the Governor's order. The penalties are in the Governor's order. There is a fine of not more than \$100 or in prison for not more than 30 days. It does require that they be found willfully failed or refuse to comply with any lawful order. He said he felt the Public Safety Department would interpret that to mean they will stop by a business in violation of the Governor's order and inform them that the Governor's order says they are not supposed to be open so they need to close. They would not give them a penalty at that point. Then if the business continues to fail to comply with the Governor's order, then they would take more appropriate action.

Mr. Bedenbaugh stated some comments had been received by email. One was from Erica Brown who lives in Graniteville, but works in Aiken. She asked if kennels were considered an essential business. Mr. Bedenbaugh stated the Governor had listed what was non-essential. If a business is not listed as non-essential, then by default it would be essential. Mr. Smith, City Attorney, noted the Governor did not use the word essential, but used the word non-essential. So if a business is included in the non-essential list, then they are not supposed to be open to the public during this time. If a business is not listed in the non-essential category, then they can be open. A kennel is not listed in the non-essential list so they can be open.

Councilwoman Gregory stated she was being asked about real estate agents as they go into homes showing real estate. Mr. Smith stated that is a business not listed by the Governor's order.

Mr. Bedenbaugh stated he felt the Governor's order is clear as to what he classifies as non-essential. The Governor could always amend the order and add to it or take away. If anyone has any questions, they can contact the City Manager's Office.

Councilwoman Gregory stated another email she had received is about sports. Sports is listed in the Governor's listing – "activities that require the use of shared sporting apparatus and equipment." She felt that was self-explanatory, but people want to know in particular the recommendation behind tennis and golf.

Mr. Bedenbaugh stated he felt golf is allowed provided certain parameters are met. Mr. Smith stated the Governor's order says you have to be able to meet the 6-foot distance requirement. He said he had seen some places where two people ride in a golf cart together. He said to him that does not satisfy the Governor's order. Some golf courses do not use golf carts, but require one to walk. It is easy to walk on a golf course with 6 feet between each other. Tennis would be the same thing. As long as you are 6 feet apart, he does not see an issue with playing tennis. Wrestling would be difficult to do with social distancing. Basketball is impossible to do with social distancing.

Mr. Bedenbaugh stated he agrees with Mr. Smith, but the city's tennis courts are closed. We have closed all those facilities for the time being. The city's closure does not affect private tennis facilities.

Mr. Bedenbaugh stated the city had received one more email. Tucker Huff asked what steps are being taken going forward to make the shelter-in-place happen. Mr. Bedenbaugh stated staff would notify the Governor in writing of Council's request for a shelter-in-place if Council adopts the proposed ordinance.

Mayor Osbon stated that the cities of Greenville, Charleston, Columbia, and others have made similar requests to the Governor. The proposed ordinance reinforces a lot of what has already been done. It is not about panicking, but we do want to send out the message that the citizens need to protect themselves, employees, family members, etc. He said he hopes it does come across as a point of urgency because we need ways to protect our city and our citizens.

Councilwoman Price noted that when you see on TV that the United States has more cases of the coronavirus than the rest of the world that should be a big flag that this is serious business.

Mr. Smith, City Attorney, stated as Mr. Bedenbaugh was reading the proposed ordinance in Section 2, paragraph C) some language had been added about not prohibiting churches, synagogues or mosques from worship. As Mr. Bedenbaugh was reading the ordinance, the language seemed a little cloudy to him. He said with Council's approval he would like to be able to amend that paragraph to make sure that we are not saying that churches, synagogues or mosques worship is prohibited.

Mayor Osbon noted that Councilwoman Diggs had made the motion, and it was seconded by Councilman Woltz that Council approve the ordinance. He asked if they were agreeable to the language change suggested by Mr. Smith, City Attorney. They were agreeable to the language change.

Councilwoman Gregory stated she had received an email with a question. The City is recommending to the Governor to move forward with a shelter-in-place. The question is once the recommendation is done, what will the City of Aiken do. Will the City wait for the State to come back and issue the shelter-in-place. If the State does not issue the shelter-in-place, would the City of Aiken proceed with a shelter-in-place within the city limits of the City of Aiken. If so, how long would that take.

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Mayor Osbon stated he was not certain that the City of Aiken could do a shelter-in-place order.

Mr. Smith, City Attorney, stated all of the orders that are issued by the Governor have the same language which says any activities or actions that are taken by a municipality in South Carolina that are more stringent than the Governor's orders, that the Governor's orders would supersede any order or ordinance passed by the City that would be beyond and above what the Governor did. There has been a lot of conversation among municipal attorneys in the state. The Attorney General has issued a couple of opinions about the orders issued by the Governor, and about the Governor being statutorily and constitutionally authorized. He is the only one who is so authorized to issue these kind of orders that affect the State of South Carolina. He said we need to be careful that we are complying with the Governor's orders as they come out. He said the proposed ordinance makes it clear that if the Governor does something that would modify what we did in the city's ordinance, that the Governor's order would take effect, not the city's ordinance.

Mayor Osbon did a roll call vote. The motion by Councilwoman Diggs, seconded by Councilman Woltz, to approve the emergency ordinance amending the emergency resolution 03162020 was unanimously approved by Council.

Mayor Osbon stated a letter would be prepared encouraging the Governor to put a shelter-in-place for the State of South Carolina. Our Public Safety Officers and Code Enforcement Officers will be reaching out to work with some of our businesses to make sure they have the tools they need to have a policy in place for practicing the safe guidelines.

ADJOURNMENT

There being no further business, Councilwoman Price moved, seconded by Councilwoman Gregory that the meeting adjourn. The motion was unanimously approved. The meeting adjourned at 4:25 p.m.



Sara B. Ridout
City Clerk