

CITY OF FOLLY BEACH

Tim Goodwin, Mayor



Folly Beach, SC 29439

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Eddie Ellis, Mayor Pro Tem
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Laurie Hull, Council Member

Teresa Marshall, Council Member
Amy Ray, Council Member
D.J. Rich, Council Member

City Council Special Emergency Meeting

Saturday March 28th, 2020

3:00PM

21 Center Street
Council Chambers, 2nd Floor
Folly Beach, SC 29439

Special Emergency Meeting Agenda

1. Call to Order

2. Executive Session

Pursuant to §30-4-70 of the Freedom of Information Act

a. Receive Legal Advice

3. **Ordinance 06-20: An Emergency Ordinance to Declare a State of Emergency, Temporarily Suspend the Normal Operating Procedures of Folly Beach City Council Meetings and Take Additional Measures to Protect the Public.**

4. Adjournment

PUBLIC NOTICE

ALL MEDIA WERE NOTIFIED PURSUANT TO STATE LAW

City Council will not vote on matters discussed during Work Sessions or Executive Sessions. However, matters discussed may be voted on during the evening City Council meeting.

In keeping with the Americans with Disabilities Act, persons needing assistance, alternative formats, ASL interpretation, or other accommodation, please contact the Municipal Clerk at 843-513-1833 during regular business hours at least 24 hours prior to the meeting. Hearing devices are available upon request for those with hearing difficulties.

The City of Folly Beach, in an effort to go green, will no longer have the Ordinances and Resolutions included in the Agenda. Citizens interested in having a copy, please see the Municipal Clerk.



CITY OF FOLLY BEACH

1st Reading: March 28, 2020

Introduced by: Mayor Goodwin

No Second Reading per S.C. Code § 5-7-250

Date: March 28, 2020

ORDINANCE 06-20

AN EMERGENCY ORDINANCE TO DECLARE A STATE OF EMERGENCY, TEMPORARILY SUSPEND THE NORMAL OPERATING PROCEDURES OF FOLLY BEACH CITY COUNCIL MEETINGS, AND TAKE ADDITIONAL MEASURES TO PROTECT THE PUBLIC.

The City Council of Folly Beach, South Carolina, duly assembled, hereby ordains that the following Emergency Ordinance be adopted pursuant to South Carolina Code § 5-7-250:

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

WHEREAS, the Governor of South Carolina declared a State of Emergency on March 13, 2020, to enhance the state's response to the COVID-19 virus's impact on the state; and

WHEREAS, the City of Folly Beach 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, or safety; and

WHEREAS, in light of the foregoing, City Council of the City of Folly Beach deems it proper and necessary to adopt this emergency ordinance in order to address how the City and Council will proceed in light of the above emergency;

WHEREAS, pursuant to Executive Order No. 2020-14, March 27, 2020, the Governor has authorized law enforcement officers of any municipality "to do whatever may be deemed necessary to maintain peace and good order during the State of Emergency and to enforce the provisions of this Order and any prior or future Orders issued by [the Governor];"

WHEREAS, as part of the record, the City relies on public testimony from Dr. Edward O'Bryan, Chief Medical Officer for MUSC Business, which outlines the danger of allowing beach visitors and short-term rentals;

NOW BE IT THEREFORE ORDAINED that the following emergency procedures are hereby adopted and to remain in effect until April 30, 2020, subject to termination or extension by Council:

1. Council formally adopts the Mayor's Proclamation of Emergency dated March 16, 2020 and the measures contained therein. Council also confirms that the Mayor, or the Mayor Pro Tempore in his absence, can exercise the emergency powers granted to the Mayor pursuant to City of Folly Beach Ordinance § 35.05.

2. City Hall is closed and moved to a virtual, phone, and dropbox operation until further notice.

3. All City meetings scheduled for March and April are postponed.

4. City Council members and staff will be authorized during this State of Emergency to attend meetings of Council via teleconference at their discretion.

5. The public will not be allowed to attend Council meetings, or any other City meetings, in person. Meetings will still be broadcast. Measures will be taken to allow the public to submit comments prior to any meeting by emails, which will be included in the public record of the meeting.

6. All deadlines imposed by City Ordinance or rule, applicable to the municipality or any applicant, shall be suspended, during this temporary period.

7. The City Administrator is authorized to develop and enact a plan in order to ensure continuity in the delivery of government services in light of the COVID-19 outbreak.

8. The City Administrator is authorized to cancel and revoke any special events permits issued prior to the date of this ordinance for events taking place until April 30, 2020.

9. The Mayor is authorized to take the following measures to limit access to the City of Folly Beach by the general public until April 30, 2020:

a. Public Safety will establish a check point limiting access to the City on a 24-hour basis.

b. The following persons will have access to the City:

i. Residents, including long-term renters, and property owners, including a maximum of 2 family members (spouse, children, parents, grandparents only) with

two forms of identification showing residency or ownership (driver's license, utility bill, deed, tax bill, lease, etc.).

ii. Residents may obtain a pass to give to professional medical caretakers through locations and methods established by staff.

iii. Employees of local businesses must have a previously-issued red or yellow reentry pass issued by the City and employee credentials.

iv. Contractors and service businesses with a Folly Beach Business License vehicle sticker. Contractors must stay on site.

v. Delivery persons who can demonstrate business on the island at the checkpoint, including pharmacy, FedEx, UPS, Amazon, and food delivery, by showing delivery address and goods at the checkpoint.

10. The Mayor is authorized to other protective measures and may authorize Public Safety to do whatever may be deemed necessary to maintain peace and good order and protect the public health, as authorized by Executive Order No. 2020-14, Section 2, and any other Executive Orders issued by the Governor.

11. Starting on March 29, 2020 at 9:00 a.m., no new check-ins are permitted at any short-term rental, hotel, or other overnight accommodation. Visitors currently checked-in may remain until the end of their existing reservation.

12. All retail, non-essential businesses are hereby ordered closed. Grocery stores, liquor stores, gas stations, healthcare providers, and financial services (including appraisers and real estate agents without clients) are deemed essential. Per Executive Order No. 2020-10 restaurants and food-service establishments may not permit on-premises or dine-in consumption but may continue to offer feed or beverages for off-premises consumption.

13. Any failure to comply with this ordinance, including efforts to circumvent this ordinance, may be penalized pursuant to provisions of the City of Folly Beach Code of Ordinances, including Section 110.17 allowing for suspension or revocation of business license may result in the loss of a business license or other measures.

This emergency ordinance shall be terminated or extended by the issuance of another ordinance or shall automatically expire on April 30, 2020.

ADOPTED this 28th day of March 2020, at Folly Beach, South Carolina.

Ayes: _____

Nays: _____

Abstains: _____

Municipal Clerk

Tim Goodwin, Mayor