

CITY OF FOLLY BEACH

Tim Goodwin, Mayor



Folly Beach, SC 29439

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City Council Special Emergency Meeting

Monday April 27th, 2020

6:00PM

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

Special Emergency Meeting Agenda

1. CALL TO ORDER

2. NEW BUSINESS:

- a. **Ordinance 06-20 (THIRD AMENDMENT):** 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.
- b. **Resolution 14-20:** A Resolution by the City of Folly Beach Opposing the Parole of Richard Valenti.

3. 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

Amended: April 6, 2020

Amended: April 27, 2020

Introduced by: Mayor Goodwin

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

Date: April 27, 2020

ORDINANCE 06-20 (THIRD AMENDMENT)

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 and the President of the United States 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, on March 16, 2020, based on updated information and recommendations from the Centers for Disease Control and Prevention ("CDC"), the President of the United States and the White House Coronavirus Task Force issued new guidance that recommended that all Americans "[work] or engage in schooling from home whenever possible;" "[a]void social gatherings in groups of more than 10 people;" [a]void eating or drinking at bars, restaurants, and food courts - use drive-thru, pickup, or delivery options;" and "[a]void discretionary travel, shopping trips, and social visits;" and

WHEREAS, the Governor has closed all public schools (Executive Order No. 2020-09, March 16, 2020), prohibited restaurants from providing food for on-premises consumption (Executive Order No. 2020-10, March 17, 2020), prohibited any congregation or gathering of people, unless authorized or in their homes, in groups of three or more people, if law enforcement determines that such congregation poses a threat to public health (Executive Order No. 2020-13, March 23, 2020); directed individuals from areas with substantial

community spread of COVID-19 to self-quarantine for fourteen days (Executive Order No. 2020-14, March 27, 2020); closed all public beach access points and public piers, docks, wharfs, boat ramps, and boat landings (Executive Order 2020-16, March 30, 2020); closed certain non-essential business (Executive Orders 2020-17, March 31, 2020, and 2020-18, April 3, 2020); and prohibited new reservations or bookings at short-term rentals or other vacation rentals or accommodations for persons residing in or travelling from any area identified in a CDC travel advisory or other notice as a location with extensive community transmission of COVID-19 (Executive Order 2020-19, April 3, 2020);

WHEREAS, pursuant to Executive Order No. 2020-21, issued April 6, 2020, the Governor ordered all residents of and visitors to the State of South Carolina are “required to limit social interaction, practice “social distancing” in accordance with CDC guidance, and take every possible precaution to avoid potential exposure to, and to slow the spread of, COVID-19, and shall limit their movements outside of their home, place of residence, or current place of abode (collectively, “Residence”), except as allowed by this Order, for purposes of engaging in Essential Business, Essential Activities, or Critical Infrastructure Operations, as set forth below and as such terms are further defined herein.” In addition, all persons leaving their Residence “shall take reasonable steps to maintain six (6) feet of separation from any other person.”

WHEREAS, pursuant to Executive Order No. 2020-13, issued March 23, 2020, and most Executive Orders issued since then, 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, pursuant to Executive Order No. 2020-25, issued April 16, 2020, the Governor authorized the managing or operation authority of any public boat ramp or boat landing that was previously closed to reopen and/or put appropriate restrictions on the use of any such public boat ramp or boat landing;

WHEREAS, pursuant to Executive Order No. 2020-28, issued April 20, 2020, the Governor rescinded his order closing all public beach access points and authorized municipalities to “close, in whole or in part, or otherwise restrict the use of any such public beach access points, to include any adjacent or associated public parking lots or other public facilities, if it is determined that such action is necessary to preserve or protect public health.” This Executive Order included a reminder that local authorities are still authorized to prohibit or disperse congregations of three or more people if such congregation is deemed to pose a threat to public health. Pursuant to this Executive Order, the Governor also authorized certain businesses to reopen, including clothing stores, subject to restrictions, including maximum 20% occupancy, a six foot distance between customers, and sanitation measures.

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, and Dr. Jane Kelly, a physician and epidemiologist with

14 years' experience at CDC, including two years with the Epidemic Intelligence Service, who has provided guidance to City staff in developing a timeline to reopen (memorandum on same is attached);

WHEREAS, the City of Folly Beach is working with other government agencies and local authorities in an effort to prevent the spread of disease and to develop a timeline and plan for reopening; and

WHEREAS, Sections 5-7-30 (the "Home Rule Statute") and 5-7-250 of the South Carolina Code of Laws, as well as the Governor's Orders, all empower 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;

NOW BE IT THEREFORE ORDAINED that the following emergency procedures are hereby adopted and to remain in effect until June 1, 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 regularly scheduled City meetings scheduled for March, April, and May are postponed.

4. City Council members and staff will be authorized during this State of Emergency to attend special 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 ~~May~~ 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 June 1, 2020:

a. Public Safety will establish a check point limiting access to the City on a 24-hour basis. ~~On _____, 2020, if the Mayor and Public Safety deem that it will not unduly impact public health, the check point may move to reduced hours of _____ to _____ to allow limited and controlled access to the City.~~

b. The following persons will have access to the City ~~while the check point is in place:~~

i. Residents, including long-term renters, and property owners, 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.

~~vi. Renters and hotel guests that can provide evidence of booking or a contract that complies with Section 11 of this Ordinance.~~

~~vii. Employees of utility companies, including Comcast and AT&T, and subcontractors of those companies with valid authorization.~~

~~viii. South Carolina real estate agents provided they are not bringing clients with them.~~

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 April 7, 2020 at 9:00 a.m., no new check-ins are permitted regardless of length of stay, until May 31, 2020. Visitors currently checked-in may remain until the end of their existing reservation.

a. Starting on _____, 2020, licensed traveler accommodations (rentals, hotels, motels, and inns) may check-in new visitors for a minimum of 30 days. Each licensed accommodation will only be allowed one check-in for the 30 days following the arrival of the first guests.

b. Starting on _____, 2020, licensed traveler accommodations (rentals, hotels, motels, and inns) may check-in new visitors for a minimum of 14 days. Each licensed accommodation will only be allowed one check-in for the 14 days following the arrival of the first guests.

c. Prior to any new check-in, the property owner or property manager of any short-term rental, hotel, or vacation accommodation must:

1. provide the name of the renter(s), the address of the accommodations, and the date of stay to the City prior to check-in. Once a name is provided, no additional names or check-ins will be allowed for that rental or unit until 30/14 days plus 72 hours have passed;

2. clean the rental or unit in accord with CDC guidelines, including changing and washing all linen, bedding, towels and the like;

3. leave the rental or unit unoccupied for a period of at least 72 hours following check-out;

3. provide renters with soap and hand sanitizer;

4. inform renters of the currently existing restrictions as issued by the City or the State; and

5. if an occupant becomes ill with suspected or confirmed COVID-19 while occupying the property, the property will a) not be occupied or cleaned for at least 48 hours, during which time all windows and doors that can be safely opened will be opened and ventilation fans will be used inside to circulate air, b) cleaning will be performed in accord with CDC Interim Guidance for Environmental Cleaning and Disinfection for U.S. Households and Suspected or Confirmed Coronavirus Disease 2019, and c) the property will not be occupied by anyone for a period of at least 7 days after cleaning.

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.~~ Retail businesses shall remain closed other than those businesses allowed to reopen pursuant to the Governor's Executive Orders, and such businesses shall strictly comply with the restrictions contained in the Governor's Orders. Reopened nonessential businesses are strongly encouraged to use service windows rather than allowing customers into stores. 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 food or beverages for off-premises consumption.

13. Pursuant to Executive Order No. 2020-28, all public access points to the beach are open. Until _____, 2020, all persons entering the beach shall engage in exercise

only. Permitted exercise is running, walking, dog-walking, biking, surfing and paddleboards, and other recreational activities consistent with social distancing. Prohibited activities on the beach include sunbathing and loitering without moving. Prohibited items on the beach include chairs, coolers, blankets, and towels used for sunbathing. All social distancing measures issues by the City and the State remain in place and will be enforced.

14. Any failure to comply with this ordinance, including efforts to circumvent this ordinance, may be penalized a) as a civil infraction pursuant to provisions of the City of Folly Beach Code of Ordinances, including Section 110.17 allowing for suspension or revocation of business license or other measures. Such infractions may be issued by the City’s licensing official, code enforcement officers, or public safety officers. Appeals of such infractions shall be heard by the City’s hearing officer in accord with the provisions of Section 110.18, or b) as a violation of S.C. Code Section 16-7-10 (Illegal acts during state of emergency, or c) any other penalties provided by State law, including penalties granted pursuant to Executive Orders issued by the South Carolina Governor. In addition, the Governor has authorized cities to seek an injunction, mandamus, or other appropriate legal action in the courts of the State.”

15. All persons shall continue to adhere to all Executive Orders issued by the Governor, other local and state law, and federal guidelines.

16. All measures taken herein are subject to modification, repeal, or additional restrictions as required by changes in the pandemic, including increased incidence or rate of spread in the Charleston region.

This emergency ordinance shall be terminated or extended by the issuance of another ordinance or shall automatically expire on June 1,2020.

AMENDED AND ADOPTED this 27th day of April 2020, at Folly Beach, South Carolina.

Ayes: _____

Nays: _____

Abstains: _____

Municipal Clerk

Tim Goodwin, Mayor

Memo from City staff based on information received from Dr. Jane Kelly

General Medical & Science Info

Overall, no one is doing enough testing to really know what the current infection rate or the rate of spread is. There is also a lack of testing specifically in South Carolina, so total number of cases and contact tracing is impossible. So, we are relying on metrics on hospitalization and symptoms, which include a 14-day lag, which would dictate at least a 14 day gap between steps relaxing social distancing. The White House/CDC guidelines also support the idea that the decline must be seen for 14 days before relaxing social distancing.

Based on the lack of a complete picture, the current best case scenario for controlling the spread of COVID 19 from a public health perspective is to remain under the current restrictions with closed stores and hotels, restaurants that are take-out only, no rentals, and preventing the potential of crowding by limiting access to the island. That said, if Folly decides to move forward with removing some restrictions, we stand behind the principal that all steps should be taken based on the evidence available and in a careful manner.

There are several metrics to watch regarding the transmission and risk for Covid, below. One of the best local resources is from MUSC: <https://web.musc.edu/coronavirus-updates/epidemiology-project>

1. The overall incidence: SC is currently relatively low, but not the lowest: <https://web.musc.edu/coronavirus-updates/epidemiology-project/cases-per-thousand>. We expect the incidence to increase with relaxed social distancing practices, and the ultimate question will be how much the health system can bear without causing fatalities or being overwhelmed by patients.
2. How fast it's spreading: this is a function of the virus itself and social distancing practices. Again, SC is *currently* doing well *under current practices*: <https://rt.live/#learn-more>.
3. The incidence on Folly: currently 1 case reported to DHEC, which has estimated there are an additional 6 unknown cases. We should expect this to grow with relaxed social distancing.

In addition to monitoring the evidence above, it is important to note that if all restrictions on access to Folly were lifted, we would draw large crowds to the beach and in rentals. These crowds would consist of thousands of people coming into close contact each day. That kind of environment is ripe to become a hot spot or grounds for a “super-spreader” event like Mardi Gras. A “super-spreader” event is one where one contagious individual leads to infection in a large number of others. Hot spots can also be generated when a large number of people cycle through an indoor space. Many super-spreader events have been linked to hospitals, family or church gatherings, cruise ships, and hotels, and public restrooms. Avoiding this is one of our primary goals. This presents a threat not just to the residents of Folly Beach, but to everyone that comes into contact with persons on the beach coming in close contact with others.

The risk of transmission increases as we relax social distancing. From a public health perspective, we cannot grow to the point where it overwhelms the hospital and medical system, and we also need to monitor the overall growth rate. We should be prepared for a “gas and brakes” approach (my words, not the doctors) to opening, with reimplemented restrictions should the overall incidence or growth rate get

too high. Also, we need to move slowly to evaluate how the practices are having an impact. Until we have more widespread testing, moving slowly is the only way to know.

Recommendations/Notes for Risk Categories

Daytrippers/Beach Users

In theory, this group represents one of the highest risk populations because it brings together people from different family units/social cohorts, and sends them back into widespread units/cohorts within 24 hours. However, outdoor spread is less than indoor spread, and our “exercise only” should also lessen contact and spread. The plan should look at a gradual allowance of more people to use the beach and keeping the exercise rules in place with each new opening. Perhaps maintaining only late afternoon or early hours for beach access will limit crowding. Folly is the most accessible beach, tends to draw larger crowds, and is not as large as Isle of Palms, so it is important to acknowledge the risk of not being able to maintain social distancing on the beach.

Public Restrooms

Public Restrooms present a high risk and should only be opened as part of a last wave.

Short-Term Rentals

The City has nearly 1000 rentals and the average occupancy is ~8. So, every time the entire rental stock turns over, we are in theory seeing another 8,000 people on the island. Rentals targeted at families or households pose less risk than hotels or other accommodations that bring disparate people together over a long weekend (spring break, graduation party, etc).

Consider starting with a 30-day rental period, which would be 8000 people in 30 days (rather than 16,000 with 14-day rentals and 32,000 with 7-day rentals). This has the added advantage of encapsulating the incubation period within a rental period – if someone brings the virus in, they would show symptoms and everyone else in the house could be tested and quarantined to prevent wide spread.

Whatever the length of the rental, the City should also consider a 2-3 day period between rentals to allow adequate cleaning and hopefully fresh air and cleaning surfaces to reduce the number of germs in the house.

Hotels

Hotels present our biggest risk of a super-spreader event. Because the disease is also transmitted through the air, social distancing has limited impact indoors.

Hotels can operate at reduced capacity, clean all frequently touched surfaces, follow stringent practices for cleaning rooms, but sharing indoor air for a prolonged period (even just one night) has been shown repeatedly to be capable of transmitting airborne disease. Our air filtering systems target dust, pollen, and perhaps in some cases bacteria, but not viruses.

In a dramatic super-spreader event in 2003, SARS, a close viral relative to COVID-19, was transmitted in the Hotel Metropole (a 487 room hotel in Hong Kong) to people who had never physically encountered the "index case" (the virus carrier). One man infected with SARS (but with a clear chest X ray) checked into the hotel for one night, and 23 other people at the hotel, including 7 people who happened to stay on the same floor, became infected. Those hotel guests then traveled to Vietnam, Singapore, and Toronto where transmission continued. Another person who was infected was not even a hotel guest but visited the 9th floor, was infected, and later spread SARS to 143 others. Environmental contamination with SARS virus was found on the carpet in front of the elevator on the 9th floor, and in the air vent system. Ultimately, at least 600 people were infected indirectly from this one individual, even though no one ever came into physical contact with him (See graphic Figures copied below). WHO estimates that half the world's cases (4000 out of 8000) can ultimately be traced back to this event. http://www.archives.gov.on.ca/en/e_records/sars/report/v2-pdf/Vol2Chp3i.pdf

Restaurants

Again, being indoors and sharing air circulation is a risk here. From Dr. Kelly: A COVID-19 outbreak in Guangzhou China was associated with air conditioning in a restaurant. Distance between tables was ~1 meter, there were no windows, and air was recirculated. The index case was asymptomatic during the meal consumed, and time in the restaurant overlapped with others who became infected ranged from 53-73 minutes. Of 83 customers exposed, 10 contracted COVID-19. (to read [more](#))

We should encourage outdoor seating, reduced occupancy, social distancing, frequent cleaning, monitoring employees, and fresh air. This is another area where we may likely be preempted by state guidelines, but it is still reasonable for us to state our position up front.

Retail

This is a triple-whammy risk: high turnover, surface contamination (touching all the trinkets), and indoor airborne contamination. We should encourage a service window to the extent possible.



CITY OF FOLLY BEACH

Introduced by: Council Member Ellis
Date: April 27th, 2020

RESOLUTION 14-20

A RESOLUTION BY THE CITY OF FOLLY BEACH OPPOSING THE PAROLE OF RICHARD VALENTI.

WHEREAS, Richard Valenti SCDC #71878 convicted murderer is once again coming up for parole; and

WHEREAS, The crime of which he was convicted was so heinous in nature that he was sentenced to two consecutive life sentences; and

WHEREAS, The Folly Beach City Council feels that his parole would serve no positive or useful purpose: that he cannot be rehabilitated that he is a detriment to society, a danger to women, and should remain in prison for the rest of his natural life; and

WHEREAS, The families of the victims of Valenti's crimes have suffered enough and his freedom would cause them further heartache and hardship.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Folly Beach, South Carolina, the following:

SECTION 1. That the Folly Beach Mayor and City Council adamantly oppose the parole of Richard Valenti SCDC #71878 and urge the South Carolina Parole Board to deny parole now and at all times hereafter.

SECTION 2. That a copy of this resolution be sent to the South Carolina Parole Board.

RATIFIED this day 27th the day of April 2020, at Folly Beach, South Carolina, in City Council duly assigned.

ATTEST:

Municipal Clerk

Tim Goodwin, Mayor