



**WALTERBORO CITY COUNCIL
SPECIAL CALLED MEETING
OCTOBER 27, 2020
12:00 P.M.**

Via Telephone/Video Conference
Phone Call-In Number 1 312 626 6799
Meeting ID: 984 4871 3316
Link to View Video:
<https://zoom.us/j/98448713316>

A G E N D A

I. Call to Order:

II. Public Input on Agenda Items:

Comments on agenda items must be submitted via email to jmolinari@walterborosc.org or by mail to Jeff Molinari, City Manager, City of Walterboro, P.O. Box 709, Walterboro, SC 29488. Comments will be distributed to the Mayor and City Council but will not be read during the meeting.

III. New Business:

1. **Ordinance # 2020-13**, AN EMERGENCY ORDINANCE REQUIRING THAT FACE COVERINGS OR MASKS CONTINUE TO BE WORN IN PUBLIC IN THE CITY OF WALTERBORO DURING THE COVID-19 PUBLIC HEALTH EMERGENCY AND RECOVERY (Introduction and Final Reading).
2. **Resolution # 2020-R-10**, A RESOLUTION APPROVING FINANCING TERMS WITH SOUTH STATE BANK FOR THE PURCHASE OF A FREIGHTLINER SANITATION VEHICLE.
3. Consideration of a request from the Colleton County Veterans Council to honor Veterans during the week of November 8-14, 2020 (attached).
4. Consideration of rescheduling the November 3, 2020, Regular City Council Meeting to November 10, 2020.

IV. Executive Session:

1. Receipt of Legal Advice – State of Emergency.

V. Open Session:

1. Council May Take Action on Matters Discussed in Executive Session.

VI. Adjournment.

ORDINANCE # 2020-13

AN EMERGENCY ORDINANCE REQUIRING THAT FACE COVERINGS OR MASKS CONTINUE TO BE WORN IN PUBLIC IN THE CITY OF WALTERBORO DURING THE COVID-19 PUBLIC HEALTH EMERGENCY AND RECOVERY

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, on March 11, 2020, the World Health Organization declared a world-wide pandemic; and

WHEREAS, on March 13, 2020, the President of the United States declared a National Emergency for the United States and its territories to reduce the spread of the virus; and

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

WHEREAS, on March 25, 2020, Mayor Bill Young declared a state of emergency in the city of Walterboro, SC; and

WHEREAS, S.C. Code Ann. §5-7-250 empowers Council to enact emergency ordinances affecting life, health, safety, or property; and

WHEREAS, COVID-19 has spread 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 high risk of exposure and infection creating an extreme public health risk; and,

WHEREAS, as of October 21, 2020, there were 159,453 confirmed cases throughout the State of South Carolina, 1,175 cases in Colleton County and 3,487 deaths statewide, and 43 deaths in Colleton County; and

WHEREAS, Walterboro is located on the I-95 corridor and as such is exposed to visitors from across our country and is particularly vulnerable to infection; and

WHEREAS, COVID-19 continues to spread in the City, 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, the Centers for Disease Control and Prevention (“CDC”) and SCDHEC advise the use of cloth face coverings to slow the spread of COVID-19; and

WHEREAS, SCDHEC data shows that the use of face coverings and masks have proven successful in slowing the spread of Covid; and

WHEREAS, on August, 12, 2020, SCDHEC released data showing that jurisdictions that have mask requirements in place have shown a 46.3% greater decrease in the total number of cases during the four (4) weeks after the mask requirements were implemented compared to jurisdictions that do not have mask requirements; and

WHEREAS, taking measures to control outbreaks minimizes the risk to the public, maintains the health and safety of the City’s residents, and limits the spread of infection in our communities and within the healthcare delivery system; and

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

WHEREAS, in light of the foregoing, City Council deems it proper and necessary to adopt this emergency Ordinance; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Walterboro, South Carolina in Council assembled this 27th day of October, 2020, that facial coverings or masks as recommended or advised by CDC and SCDHEC shall be required in public places and public buildings within the City to slow the spread of the novel coronavirus disease, known as COVID-19 as follows:

1. All persons entering a commercial establishment in the City must wear a face covering while inside the establishment. This paragraph does not apply to religious establishments. However, the use of face coverings is recommended during religious activities as well.

2. All restaurants, retail stores, salons, barber shops, grocery stores, and pharmacies in the City must require their employees to wear a face covering at all times while having face to face interaction with the public.

3. Any person who is unable to safely wear a face covering due to age, an underlying health condition, or is unable to remove the face covering without the assistance of others is exempt from this Ordinance.

4. Face coverings are not required in the following circumstances:

- a. In personal vehicles.
- b. When a person is alone in enclosed spaces; during outdoor physical activity, provided the active person maintains a minimum of six (6) feet from other people at all times.

- c. When a person is alone or only with other household members.
- d. While actively drinking, eating, or smoking.
- e. When wearing a face covering causes or aggravates a health condition.
- f. When wearing a face covering would prevent the receipt of personal services.

5. A person who fails to comply with Paragraph 1 of this Ordinance shall be guilty of a civil infraction, punishable by a fine of not more than Twenty-five Dollars (\$25.00).

6. A person who fails to comply with Paragraph 2 of this Ordinance shall be guilty of a civil infraction, punishable by a fine of not more than \$100.00. Each day of a continuing violation of this Ordinance shall be considered a separate and distinct offense. In addition to the fines established by this paragraph, repeated violations of this Ordinance by a person who owns, manages, operates or otherwise controls a business subject to this Ordinance may, subject to all procedural protections set forth in the City Code, result in the suspension or revocation of any occupancy permit or business license issued to a business where the repeated violations occurred. Repeated violations of this Ordinance are additionally hereby declared to be a public nuisance, which may be abated by the City by restraining order, preliminary and permanent injunction, or other means provided for by the laws of this State. The foregoing notwithstanding, every effort shall be made to bring the business into voluntary compliance with the terms of this Ordinance prior to the issuance of any citation. For the purposes of Paragraph 2 of this Ordinance, "person" shall be defined as any individual associated with the business who has the control or authority and ability to enforce the social distancing requirements of the Ordinance within the business, such as an owner, manager or supervisor. "Person" may also include an employee or other designee that is present at the business but does not have the title of manager, supervisor, etc., but has the authority and ability to ensure that the requirements of this Ordinance are met while the business is open to the public.

7. Should any provision, 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, paragraphs, sentences, or words of this Ordinance as hereby adopted shall remain in full force and effect.

8. This Ordinance is effective as of 6:00 a.m., Saturday, October 31, 2020.

9. As provided by S.C. Code § 5-7-250(d), this Ordinance shall expire automatically as of the sixty-first day following the date of enactment.

William T. Young, Jr.,
Mayor

ATTEST:

Jeffrey P. Molinari
City Manager

RESOLUTION NO. 2020-R-10

Resolution Approving Financing Terms

WHEREAS: The City of Walterboro ("City") has previously determined to undertake a project for the financing of a Freightliner Sanitation Truck, and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The City hereby determines to finance the Project through South State Bank, in accordance with the proposal dated September 28, 2020. The amount financed shall not exceed \$236,143.50, the annual interest rate (in the absence of default or change in tax status) shall not exceed 1.43%, and the financing term shall not exceed five (5) years from closing.

2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. The City Manager is hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.

3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by City Manager, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

4. The City shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The City hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

5. The City intends that the adoption of this resolution will be a declaration of the City's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the South State Bank financing described above. The City intends that funds that have been advanced, or that may be advanced, from the City's enterprise fund or any other City fund related to the project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of City officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this 27th day of October, 2020

Jeffrey P. Molinari, City Manager

William T. Young, Jr., Mayor

From: Janet Smith <cvao@colletoncounty.org>
Date: October 15, 2020 at 10:27:09 AM EDT
To: Hank Amundson <hankamundson@walterborosc.org>
Subject: Veterans Day

Good Morning Hank,

The Colleton County Veterans Council has decided to cancel this year's Veterans Day parade due to the COVID 19 pandemic. We have alternate plans to honor our Veterans and need guidance and approval from the City for the following:

1. Invite local businesses especially along Washington Street (Parade Route) to decorate and post patriotic signs/posters in their storefronts to honor our Veterans from Nov. 8th - Nov. 14th.
2. Request that the City display flags along Washington Street.
3. Display a banner on Jefferies Blvd.
4. Decorate the Downtown Waterfall with flags, as we do for Memorial Day.

I've reviewed two forms on the City's website: Banner Permit Application and Temp Sign Permit Application. Are these the correct forms for requests 1 and 3? Please advise.

If you have any questions, feel free to give me a call.

Janet D. Smith,

Veterans Affairs Officer



VETERANS AFFAIRS OFFICE

219 S. Lemacks Street, P.O. Box 637

Walterboro, SC 29488

Telephone: (843) 549-1412

Fax: (843) 549-0132

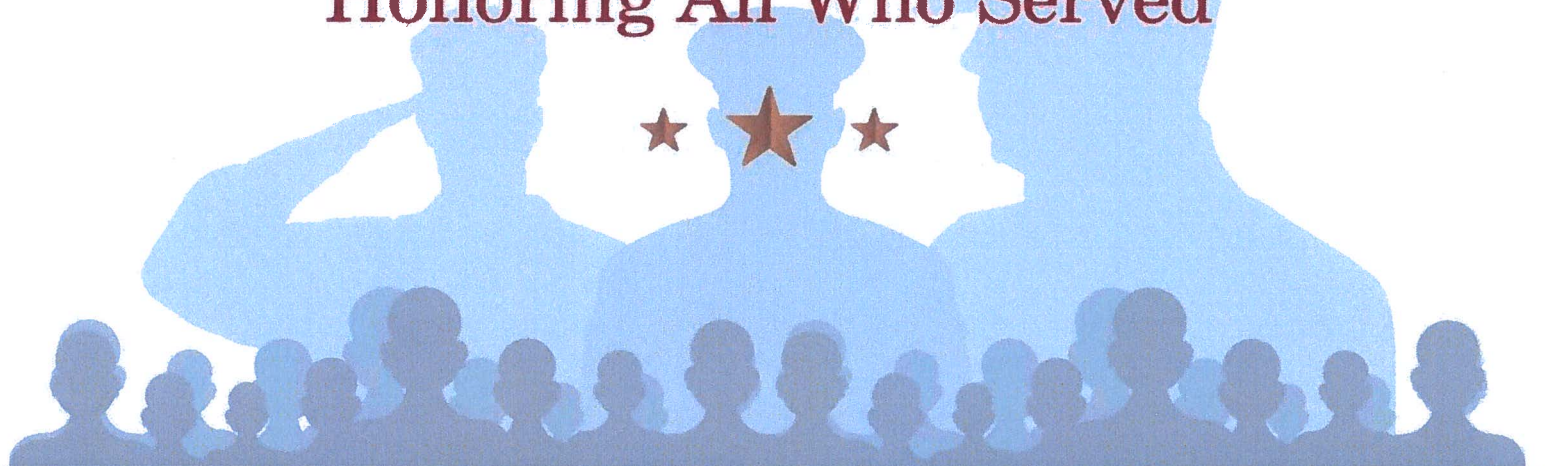
Email: cvao@colletoncounty.org



**Let's Honor
our Veterans**
November 8 - 14, 2020

Veterans Day

Honoring All Who Served



**The Veterans Day Parade
has been canceled due to the Coronavirus Pandemic.**

**The Colleton County Veterans Council in partnership with
the Colleton County School District and the Courthouse
invite you to join us in honoring our Veterans the week of Nov. 8th.
Calling on All Schools, Businesses and the Residents of Walterboro!
We encourage you to decorate your store windows, front lawn with signs,
flags, posters, create banners, digital bill boards and other patriotic
displays. Let's show our appreciation to All Those Who Served.**