

**TOWN OF KIAWAH ISLAND
TOWN COUNCIL MEETING
Municipal Center Council Chambers
June 29, 2020; 10:00am**

Special Call Meeting

Minutes

I. Call to Order: Mayor Weaver called the meeting to order at 10:00 am.

Present at the meeting: Craig Weaver, Mayor
Chris Widuch, Mayor Pro Tem
Maryanne Connelly, Councilmember
Dan Prickett, Councilmember

By Phone: Klaus Said, Councilmember

Also Present: Stephanie Tillerson, Town Administrator
Joe Wilson, Town Attorney
Stephanie Braswell Edgerton, Town Communications Manager
Petra Reynolds, Town Clerk

II. New Business:

A. To Consider Approval of Additional Emergency Measures to Address Public Safety Concerns in Response to the Recent and Persistent Increase in Covid-19 Cases in The Greater Charleston Region

Mayor Weaver stated the draft of the proposed Ordinance was release yesterday publicly for comment and was amazed by the number of comments he received. He noted it was the largest number received on any topic in his years as mayor and included comments from Seabrook as well. Summarizing the feedback from the 90 plus emails received, he stated that while half included comments that elements of the Ordinance need to be stronger, support of an action to require face coverings on the island was nearly unanimous.

Mayor Weaver stated he wanted to make certain that there was a thorough discussion of the proposed Ordinance providing an ordinance and action that accomplished three things;

1. Effective in having addressed the problems and issues facing Kiawah
2. As clear and easy to understand as possible
3. Enforceable with limited Town Code Enforcement staff

Council members engaged in an in-depth discussion of each of the directives in the proposed Ordinance, making changes or additions to the language if deemed necessary.

Ordinance 2020-04 - An Emergency Ordinance of The Town Council of The Town of Kiawah Island Regarding Face Coverings;

1. *The directives and procedures adopted by the Town's prior Emergency Ordinance No. 2020-03 remain in place and is not amended or rescinded by this Emergency Ordinance.*
2. *"Face Covering" or "mask" means a cloth, fabric, or other soft or permeable material, without holes, that covers both the mouth and nose, and includes surgical masks, N- 95 respirators, face shields, handmade masks, bandanas, and neck gaiters.*

3. ~~All persons, including employees, entering any business, other than a restaurant, must wear a face covering while inside the establishment. Businesses are required to post a notice in their business visible to customers entering the business or waiting to enter the business, informing customers that the use of Face Coverings by customers and employees is mandated by law.~~

Council members discussed adding to the directive those persons who are waiting to enter a business along with the need to clarify that all club and association facilities are included as part of the definition of a business.

Following the discussion, the Council agreed to change directive three to read:

All persons, including employees, entering or waiting to enter any business, club, or association facility other than a restaurant, must wear a face covering at all times.

4. *Restaurants are required to adopt and enforce the Face Covering provisions of the Phase Two recommendations prepared and published by the South Carolina Restaurant and Lodging Association.*

Mayor Weaver indicated there was a significant amount of email feedback on inconsistencies in the use of face coverings and the desired change. He pointed out that directive would make mandatory the existing restaurant association guideline that employees who interact with customers use face covering. Council members discussed if the directive should be more encompassing to include a requirement for all employees inside a restaurant (in the back room) and the inclusion of outdoor dining.

Following the discussion, Council agreed to add, "Employees who interact with the public, including both indoor and outdoor dining, are required to wear a Face Cover" to directive four.

5. *All persons waiting to enter a business establishment must wear a mask unless they can maintain social distancing of at least (6) feet from other persons, other than members of the same family or household.*

Mayor Weaver indicated that most email feedback was received on concerns with social distancing, specifically in restaurants, and the language in the directive as being too complicated, added too much discretion and needed to be clearer. Council members discussed simplifying the language to include that a face covering must be worn while waiting to be seated or waiting to receive takeout food.

Following the discussion, the Council agreed to change directive five to read:

All persons entering a restaurant establishment or waiting to pick up a carryout order must wear a mask at all times except when seated for dining or beverage service.

6. *The following persons are exempted from the Face Covering requirement:*
 - a. *Persons under the age of three years old; or*
 - b. *Persons for whom a face covering would cause impairment due to an existing health condition or disability; or*
 - c. *Persons who are actively eating or drinking; or*
 - d. *Persons in private offices; or*
 - e. ~~*Persons exclusively with members of a family or the same household, and no other person other than such family or household is within the same enclosed area.*~~

Following the discussion, the Council agreed to strike item 6(e) from directive six.

7. *Businesses and restaurants are responsible for enforcing this Emergency Ordinance with regards to their employees only and are subject to the penalties included herein for violations occurring inside of their business by employees. Essential businesses and restaurants are required to post a notice in their business visible to customers entering the business, informing customers that the use of Face Coverings by customers and employees is mandated by law. Failure to post such a notice is a violation of this Emergency Ordinance.*

Mayor Weaver stated the directive places a requirement on business to ensure that their employees wear a face covering and post a notice informing customers of the mandate to use face coverings or be in violation of the Ordinance.

Council members discussed changing the language to “posting a notice at each entry point to the business,” and the Town to outline what is expected to be noticed on the sign, enforcement capability, and the issues with holding a business responsible for customer compliance.

Following the discussion, the Council agreed to strike the word “essential,” adding language requiring posting a notice at each entry point, and to eliminate the repetitive statement in directive three requiring the posting of a notice by eliminating the last sentence in its entirety.

~~Businesses are required to post a notice in their business visible to customers entering the business or waiting to enter the business, informing customers that the use of Face Coverings by customers and employees is mandated by law.~~

8. *This Emergency Ordinance may be enforced by the Town’s code enforcement officers. Persons violating this Emergency Ordinance will be subject to a criminal fine of \$25.00 plus required statutory assessments. Businesses not requiring employees to wear Face Coverings will be subject to a criminal fine of \$100.00 plus required statutory assessments. Each day of the infraction shall be considered a separate offense. In addition, any violation may be charged as an infraction with any other relevant civil or criminal penalties contained in the Kiawah Island Municipal Code, or civil or criminal penalties under state law, or federal law, including violations of S.C. Code Section 16-7-10 (Illegal acts during State of emergency), and penalties authorized 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.*

Mayor Weaver indicated that emails, as well as Council feedback, expressed concern that the fine was too small to gain public attention. He pointed out that the statutory assessments that are added effectively increases the fine. He also discussed enforcement capability and roles of the deputies, Community Association security, and the Town’s code compliance department. The deputies cannot enforce Town ordinances but will support the Town efforts by providing assistance to a business owner or code compliance officer.

Following the discussion, Council members agreed not to increase the amount of any criminal fines.

9. *All net fines (not including assessments or other payments directed elsewhere under State law) paid to the Town for violations of this Emergency Ordinance will be earmarked and donated to a nonprofit or charitable organization to be chosen at a later date.*
10. *Should any provision, section, paragraph, sentence or word of this Emergency 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 Emergency Ordinance as hereby adopted shall remain in full force and effect.*
11. *This Emergency Ordinance shall take effect at noon on July 2, 2020.*

Council discussed the potential effective date considering the ability to release communications to the community and visitors, the upcoming holiday weekend, allowing time for business to make preparations to comply with the directives of the Ordinance, signage, and compliance support by rental owners and managers.

Following the discussion, the Council agreed to change the effective date to noon on July 1, 2020, and to provide a flyer to be distributed at the main gate.

12. *This Emergency Ordinance shall remain in place until July 29, 2020, but shall automatically extend for one successive thirty (30) day period until August 28, 2020, unless acted on by Town Council.*

Sometimes we can't see the forest through the trees. Today we are talking about masks, but it's really a much better bigger problem than that. Kiawah is not Nirvana as much as we think it might be. When the COVID 19 first hit residents, the residents followed the recommendations to a tee, and we were successful in escaping any major cases, but now it's different. The state statistics are frightening, and it is time to reckon with the reality that this is not Nirvana. State statistics show that the number of new cases reported as of yesterday was 1599, total cases in South Carolina 31,850, number of new deaths 15, the total number of deaths in South Carolina 707, number of hospitalized patients 908. The percent of tests that were positive 19.6 new high, the total number of tests in South Carolina 389,096. Charleston County has led the State in new confirmed cases. We need to take personal responsibility and consider ourselves and others in our community. Let us not be selfish. Help flat in the curve and follow the recommendations.

Councilmember Prickett expressed his appreciation to the Mayor and Town staff for the exceptional work that went into the Ordinance. He agreed with Councilmember Connelly's statement expressing the hope that everybody in the community realizes how serious this virus is.

Mayor Weaver again expressed his frustration with not being able to gain good insight into the numbers for Kiawah Island, specifically even though every effort has been made to get reporting on a municipal level.

III. Adjournment:

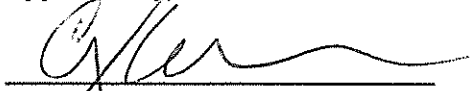
Mayor Pro Tem Widuch motioned to adjourn the meeting at 12:02 pm. The motion was seconded by Councilmember Connelly and carried unanimously.

Submitted by,



Petra S. Reynolds, Town Clerk

Approved by,



Craig E. Weaver, Mayor

Date