

**TOWN COUNCIL**  
**SPECIAL CALL MEETING**  
Virtually Via Zoom  
May 12, 2021; 4:00 pm

Minutes

I. **Call to Order: Mayor Labriola called the meeting to order at 4:00 pm.**

**Present at the meeting:** John D. Labriola, *Mayor*  
Dan Prickett, *Mayor Pro Tem*  
Maryanne Connelly, *Councilmember*  
John Moffitt, *Councilmember*  
Dr. Scott Parker, *Councilmember*

**Also Present:** Stephanie Tillerson, *Town Administrator*  
Joe Wilson, *Town Attorney*  
Petra Reynolds, *Town Clerk*

II. **New Business:**

- A. Discussion of Permanent **Ordinance 2021-03** - An Ordinance of the Town Council of the Town of Kiawah Island Regarding Face Coverings, Restrictions on Restaurants, Establishments that Possess a State Permit to Sell Alcohol, Other Businesses and Facilities, and Essential Businesses
- B. Discussion of Emergency **Ordinance 2021-08** - An Emergency Ordinance of the Town Council of the Town of Kiawah Island Regarding Face Coverings and Restrictions on Restaurants, Essential Businesses, and Mass Gatherings

Mayor Labriola stated the decisions made two weeks ago had been preempted by the release of a new Governors Executive Order yesterday and the press release.

Mr. Wilson explained that the Governor stated in his Executive Order that he is not authorizing any municipalities to have their own mask ordinances and considers any municipal mask requirement to be preempted by his own orders. Therefore, from the Governors point of view, no municipality can have a mask ordinance. While there may be some uncertainties, most municipalities are accepting the Governor's authority.

Mr. Wilson reviewed the actions taken by the Town at the previous Town Council meeting; the first reading of the ordinance rescinding permanent ordinance and a temporary ordinance which included a mask requirement. He stated that the Governor and the Attorney General would argue that the permanent and temporary ordinances are no longer enforceable as of yesterday and suggested to continue with removing both. He pointed out that the Governor's order still allows the Town to require masks in government buildings or Council meetings and allows private entities to have mask requirements.

Councilmember Moffitt received clarification that potentially the second reading of the ordinance to rescind Ordinance 2021-03 and rescinding Ordinance 2021-08 could occur at this meeting.

Councilmembers questions what actions could be taken by the Town going forward and what could be left in the Emergency Ordinance. Mr. Wilson reviewed the administrative items that could be left:

- 1. The Mayor's Proclamation of Emergency dated March 19, 2020, and Council's confirmation of same remain in place.

2. The Mayor and Town Administrator are authorized at their discretion to hold council meetings and committee and board meetings via teleconference. Such meetings will be Live-streamed. Measures will be taken to allow the public to submit comments prior to any meeting by email, which will be included in the public record of the meeting.
3. The Mayor is authorized to take protective measures for the protection of the public health.

Council Members engaged in an in-depth discussion on if there would be any advantages to leaving the “Mayor’s Proclamation of Emergency” in the ordinance and if any additional items in the ordinance can be kept.

Ms. Tillerson read a public comment from Mr. Scott Nelson:

*I would like to urge the Council to rewrite its current mask requirement ordinance so it is not invalidated by the governor’s elimination of his emergency COVID orders. Despite the recent improvement in virus statistics, the virus is still with us. The word has seen several instances where restrictions were eased too rapidly and a new spike in cases developed. We should have more patience, particularly when visitors from all over the world are coming to our island next week for the PGA. Let’s hold on for a month or so and then revisit this situation as needed. Thank you, Scott Nelson. 65 Persimmon Court.*

Mayor Pro Tem Prickett stated that he appreciated what Mr. Nelson was saying, but the Governor took away the municipality’s ability to do exactly what he asked for. Councilmember Parker added that the Town’s hands are tied unless the Town would want to challenge the Governor and Attorney General.

Mayor Labriola pointed out the issue of not being able to enforce the ordinance. Mr. Wilson added that any tickets that are written would be challenged in the Municipal Court. Members further discussed the mask requirement issue agreeing that the Town should still encourage all individuals to consider wearing a face covering. Mr. Wilson stated the language is still in the Executive Order “I hereby continue to encourage all individuals within the state who are not fully vaccinated to wear a face covering.”

Councilmember Connelly read another comment from Mr. Nelson:

*We should not be stampeded by emotional and perhaps uninformed gut reactions. Let’s all be safe and not have a breakthrough patient zero on the island next week. Thank you*

Council Members discussed that the mask requirements for next week’s event were laid out by the PGA, not the Town. Other entities and local businesses have the prerogative to continue requirements for the safeguard of their patrons.

Ms. Tillerson read a public comment from Jon Baumgarten:

*I question Mr. Wilson’s assertion that McMaster invalidated any current or new Town mask ordinance. The Governor’s order seems to preempt only to those local mask ordinances that have relied or will rely on the State’s prior orders or emergency declarations. It’s not clear to me that the reference to an emergency is limited to state declarations or also prevents mask ordinances under local emergency declaration.*

Mr. Wilson stated there is some language that is subjective and says that any local mask ordinances that have relied on or in part on the Governor’s authority are declared preempted and invalid, but the Town did rely on the Governor’s Executive Orders in the past and explained the possible outcome of using other measures.

***Councilmember Parker made a motion to approve the second reading of Ordinance 2021-07 rescinding Permanent Ordinance 2021-03. The motion was seconded by Councilmember Connelly, and the motion was unanimously approved.***

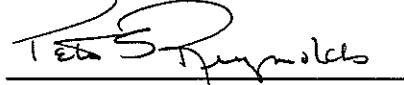
**Councilmember Parker made a motion to rescind Emergency Ordinance 2021-08. Mayor Pro Tem seconded the motion and was unanimously approved.**

Council Members discussed communication to the community and agreed to include the statement made by the Governor and strongly encourage all individuals, whether vaccinated or not, to wear face coverings if they so desire.

**III. Adjournment:**

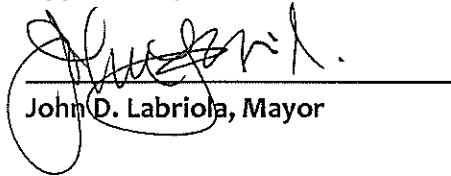
**Councilmember Connelly made a motion to adjourn the meeting at 4:35 pm. Mayor Pro Tem Prickett seconded the motion and was unanimously passed.**

Submitted by,



Petra S. Reynolds, Town Clerk

Approved by,



John D. Labriola, Mayor

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Date