

## BLUFFTON TOWN COUNCIL EMERGENCY MEETING MINUTES

### ELECTRONIC MEETING

August 26, 2020

Mayor Sulka called the meeting to order at 9 A.M. Council members present were Mayor Pro Tempore Fred Hamilton, Larry Toomer, Bridgette Frazier, and Dan Wood. Town Manager Marc Orlando, Deputy Town Manager Scott Marshall, Interim Chief of Police Scott Chandler, and Town Clerk Kimberly Chapman, and Town Attorney Terry Finger were also present.

Pledge of Allegiance and Invocation were given by Councilman Wood.

#### Adoption of the Agenda:

**Frazier made a motion to approve the agenda as presented. Wood seconded. Roll call was taken, and the motion passed unanimously.**

#### Public Comment:

There were none.

#### Formal Item Agenda:

Consideration of an Emergency Ordinance of the Town of Bluffton, South Carolina, Extending the Requiring of Individuals to Wear Face Coverings in Light of the COVID-19 Pandemic; and Matters Related Thereto; and Severability – Scott Marshall, Deputy Town Manager

Marshall gave an overview and stated that on June 30, 2020, in response to an increasing number of positive COVID-19 tests reported by the South Carolina Department of Health and Environmental Control (SCDHEC) and as part of a regional effort to slow the spread of the disease, Town Council enacted Emergency Ordinance 2020-10. Emergency Ordinance 2020-10 requires the wearing of face coverings in certain social situations and by employees of certain establishments who come into contact with the public in the performance of their jobs. The ordinance went into effect on July 1 and will expire on August 31.

The Town of Bluffton Emergency Ordinance presented for consideration replicates the requirements specified in Emergency Ordinance 2020-10 and contains the following features:

#### Section 1. Definitions.

- a. "Face Covering" is defined as a uniform piece of cloth, fabric, or other material that securely covers a person's nose and mouth and remains affixed in place without the use of one's hands. Face Coverings include, but are not limited to, bandanas, medical masks, cloth masks, scarves, and gaiters, provided that they are worn such that they securely cover the person's nose and mouth.

- b. "Person" as used in the context of Section 3.b. is defined as any individual associated with the business who has the control or authority and ability to enforce the 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.

## Section 2. Requirements for Face Coverings.

- a. All persons entering any building open to the public in the Town must wear a face covering while inside the building.
- b. All restaurants, retail establishments of every description, salons, grocery stores, and pharmacies in the limits of the Town shall require their employees to wear a Face Covering at all times that the employees are in any area where the general public is allowed. This requirement also applies to all persons providing or utilizing over-the-road public or commercial transportation, including tours; and all businesses or employees while interacting with people in outdoor spaces, including, but not limited to, curbside pickup, delivery, and service calls. All such businesses must provide face coverings or materials for the making of such face coverings for their employees. Such coverings or materials may be made available staff-wide or individually upon employee request so long as the result is the organization-wide use of face coverings. Nothing shall prevent an employee from fashioning his or her own cloth face mask. If a worker or customer refuses to wear a cloth face covering for other than medical reasons, a business may decline entry or service to that individual.
- c. The following individuals are exempt from this Ordinance: any person under the age of eight, or who is unable to safely wear a Face Covering due to age or an underlying health condition, or who is unable to remove the Face Covering without the assistance of others; and any person traveling in a personal vehicle, or when a person is alone or is in the presence of only household members in an enclosed space, and people who are actively drinking or eating. This Ordinance does not relieve business establishments and restaurants from other social distancing requirements imposed by the Governor's Executive Orders.

## Section 3. Penalties.

- a. Failure to comply is a civil infraction, punishable by a fine of not more than \$50.00.
- b. Each day of non-conformance is a separate and distinct offense. Repeated offenses may result in suspension or revocation of occupancy permits and/or

business license, where applicable. Repeated violations may also be declared a public nuisance. **However, every effort shall be made to bring the person or business into compliance before issuing a citation.**

Section 4. Severability. If any part of the Ordinance is deemed invalid, the remaining portion(s) of the Emergency Ordinance shall remain valid.

Section 5. Effective Date; Expiration.

- a. Must be passed by a super majority of at least 2/3 of Town Council on a single reading. This means the ordinance must receive a favorable vote of no less than four out of five members of the Town Council of the Town of Bluffton.
- b. Emergency Ordinance shall be effective on September 1, 2020.
- c. Emergency Ordinance is terminated when rescinded by a subsequent ordinance, or on the 61<sup>st</sup> day of enactment, whichever is sooner. This means the Emergency Ordinance, in absence of further Town Council action, would expire on November 1, 2020.

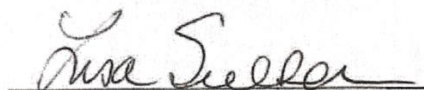
**Hamilton made a motion to approve an Emergency Ordinance of the Town of Bluffton, South Carolina, Extending the Requiring of Individuals to Wear Face Coverings in Light of the COVID-19 Pandemic; and Matters Related Thereto; and Severability. Wood seconded. Roll call was taken, and the motion carried unanimously.**

Town Council Discussion:

Toomer asked that if the numbers begin to decline, if the Ordinance would be able to be rescinded. He was advised that the Ordinance can be rescinded at any time.

Frazier stated that she is happy that the Ordinance will still be in place and that SCDHEC is showing a fifty percent decrease in the COVID numbers.

**Frazier made a motion to adjourn at 9:11 AM. Hamilton seconded. The motion carried unanimously.**



Lisa Sulka, Mayor



Kimberly Chapman, Town Clerk