



# CITY OF SPARTANBURG

SOUTH CAROLINA

## CITY COUNCIL AGENDA

**Special City Council Meeting**

**Via Videoconference**

**Thursday, April 2, 2020**

**11:00 a.m.**

*“The upcoming City Council meeting will be held via publicly accessible videoconference. Links and instructions for how to access this meeting via telephone, computer, or mobile device will be posted in City Hall, available on the City’s webpage, and provided to the local media. The meeting will be broadcast live on the City’s Facebook page.*”

- I. **Call to Order**
- II. **Emergency Ordinance**
  - A. **To State City Council’s Recognition of the Critical Importance of Taking All Reasonable Measures to Slow the Spread of the Coronavirus COVID19 and Enforcing the Regulations of the Governor’s Executive Orders Pertaining to the Declaration of a State of Emergency (One Reading)**  
**Presenter: Robert Coler, City Attorney**
- III. **Update from Staff on Response to Coronavirus COVID19**  
**Presenter: Chris Story, City Manager**
- IV. **City Council Comments**
- V. **Adjournment**

**This is a Special City Council Meeting and notice of the meeting was posted with the Media in advance according to the Freedom of Information Act.**





## REQUEST FOR CITY COUNCIL ACTION

**TO:** Mayor and Members of City Council

**FROM:** Robert P. Coler, City Attorney  
Chris Story, City Manager

**SUBJECT:** Emergency Ordinance (only one reading) to reiterate Council's appreciation for the critical nature of the coronavirus pandemic, to encourage its residents and visitors to follow CDC guidelines regarding staying home and social distancing, and to pledge to, if necessary, carry out the Executive Orders issued by the Governor concerning the coronavirus pandemic.

**DATE:** April 1, 2020

**BACKGROUND:** The state of South Carolina, by and through, Governor McMaster has, to date, issued 11 Executive Orders concerning efforts to respond to and stop the spread of the coronavirus COVID-19. City Council finds it necessary and appropriate to express to its residents and visitors the critical importance of abiding the CDC's guidelines and the Governor's Orders to stop the spread of the virus. City Council also finds it necessary to commit to protecting the health, safety and welfare of its residents by carrying out the Governor's Orders, particularly where they promote social distancing and prohibit the gathering or congregating of groups larger than three persons.

**ACTION REQUESTED:** Council is being asked to approve the ordinance that reiterates the Council's commitment to doing everything within its legal authority to stop the spread of coronavirus COVID-19 and expressing its desire to carry out the Governor's Executive Orders, particularly as they pertain to stemming the spread of the coronavirus COVID-19.

**BUDGET AND FINANCIAL DATA:** N/A

## AN EMERGENCY ORDINANCE

### TO STATE CITY COUNCIL'S RECOGNITION OF THE CRITICAL IMPORTANCE OF TAKING ALL REASONABLE MEASURES TO SLOW THE SPREAD OF THE CORONAVIRUS AND ENFORCING THE REGULATIONS OF THE GOVERNOR'S EXECUTIVE ORDERS PERTAINING TO THE DECLARATION OF A STATE OF EMERGENCY

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 has declared a National Emergency for the United States and its territories in an effort to reduce the spread of the virus; and

WHEREAS, on March 13, 2020, the Governor of the State of South Carolina Henry McMaster has declared a state of emergency for the State of South Carolina; 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 is now aggressively spreading 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 increasing risk of exposure and infection to City residents and creating an extreme public health risk; and

WHEREAS, as of April 1, 2020, the total number of cases in the United States is approximately 205,036 with at least 1083 cases in the State of South Carolina and 37 cases in Spartanburg County; and

WHEREAS, the number of cases is growing rapidly and if COVID-19 spreads in the City at a rate comparable to the rate of spread in other countries, 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, it is imperative that residents and non-residents of this great City voluntarily shelter at home, unless providing or requiring an essential service, remain at a safe distance of at least six (6) feet from others while in public, seek non-emergent medical attention, if sick, via a telehealth service provider, continue to be vigilant with hand-washing, remain calm, and only purchase necessary supplies for immediate use; 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 community, the City is taking steps to try to protect the citizens and employees of the City from increased risk of exposure; and

WHEREAS, at this crucial time, it is necessary for the City to undertake and coordinate all necessary and reasonable activities for this emergency response, to take all appropriate action required to alleviate the effects of the coronavirus disaster emergency, including action following the guidelines of the Center for Disease Control (“CDC”) and the South Carolina Department of Health and Environmental Control (“SCDHEC”), to and in the aid of essential public services, and to take any other lawful emergency response or action deemed necessary to protect the public health, safety and welfare of the City; and

WHEREAS, §25-1-440 of the Code of Laws of the State of South Carolina provides to the Governor, when a state of emergency has been declared, the responsibility for the safety, security, and welfare of the State and the authority to issue emergency proclamations and regulations; and

WHEREAS, pursuant to his declaration of a State of Emergency, the Governor has issued eleven Executive Orders, see Executive Orders 2020-07 through 2020-17, setting forth a number of regulations; and

WHEREAS, in light of the foregoing, City Council deems it proper and necessary to adopt this emergency ordinance requiring individuals to abide by the regulations set forth by the Governor’s Executive Orders, particularly Executive Orders 2020-07 through 2020-16.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SPARTANBURG, SOUTH CAROLINA:

1. All residents are encouraged to stay home except for the purpose of a) obtaining necessities, including but not limited to food, medicines, toiletries and urgent health care, b) providing essential services, or c) engaging in individual outdoor recreational activities that allow for social distancing of at least six (6) feet and do not entail coming into close contact with other people or involve the sharing of equipment.

2. In the event individuals leave their home for the purposes stated above, they shall refrain from congregating or gathering in groups of more than three persons and they shall maintain an acceptable social distance of six feet between them and other persons as set forth by the Center for Disease Control guidelines.

3. All operators of retail establishments, food service establishments, businesses, and any other building whatsoever that have not been closed by the order of state law shall take reasonable precautions to ensure that its occupants, employees, customers, or visitors maintain acceptable social distance from one another, examples include but are not limited to, restricting the number of occupants at one time, marking the floor in six foot increments by checkout, and shielding employees from visitors.

4. Pursuant to Governor Henry McMaster's Executive Order No. 2020-13, issued March 23, 2020, officers of the City Police Department are authorized “to prohibit or disperse any congregation or gathering of people, unless authorized or in their homes, in groups of three (3) or more people, if any such law enforcement official determines, in their discretion, that any such congregation or gathering of people poses, or could pose, a threat to public health” This shall include, but is not limited to occupants of retail establishments, restaurants, businesses, parking lots, sidewalks, streets, parking garages, and any other public spaces.

5. Vendors that provide services or products, including logistics and technological support,

shall use all reasonable means to ensure social distancing of at least six (6) feet from others.

6. Bars and restaurants which prepare, produce, or otherwise offer or sell food or beverages, of any kind, shall be prohibited from permitting dine-in or on premises consumption of food or beverages whether indoors or outdoors, however, they may continue to offer pickup, take out, or delivery services for consumption off-premises. Furthermore, operators shall enact reasonable measures to promote acceptable social distancing between customers and employees while customers are ordering or picking up to go orders.

7. This ordinance is not intended to restrict travel outside the corporate limits of the City for any lawful purpose.

8. Should any provision, section, 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, sections, paragraphs, sentences, or words of this ordinance as hereby adopted shall remain in full force and effect.

9. In the event Governor Henry McMaster exercises any power enumerated under S.C. Code Ann. § 25-1-440 in a manner that conflicts with a provision of this ordinance, the conflicting portion of the ordinance shall immediately cease to have force and effect. Otherwise, this emergency ordinance shall be terminated by the issuance of another ordinance or shall automatically expire on the 15<sup>th</sup> day after enactment of this ordinance, whichever date is earlier.

DONE, RATIFIED AND PASSED THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

REVIEWED:

\_\_\_\_\_  
City Manager