



Kershaw County



2018

## AGENDA

KERSHAW COUNTY COUNCIL CALLED MEETING

**MARCH 19, 2020 10:00 A.M.**

COUNTY COUNCIL CHAMBERS / KERSHAW COUNTY GOVERNMENT CENTER  
515 Walnut Street, Camden, SC 29020

### Call to Order

### Invocation/Pledge of Allegiance

### Adoption of Agenda

### New Business

1. COVID-19 Update – Mr. Vic Carpenter
2. An Emergency Ordinance to Establish Safety Measures, Virtual Meeting Attendance, and Operating Procedures Regarding Postponing and/or Rescheduling Kershaw County Council Meetings
3. Discussion of Future Meetings

### Adjournment

Individuals who need auxiliary aids for effective communication concerning the above meeting should contact the Clerk to Council at 425-1500, 24 hours prior to the scheduled meeting. This institution is an equal opportunity provider and employer. The public may access the internet as a guest through the County's Wi-Fi and locate the agenda on the County website.: [www.kershaw.sc.gov](http://www.kershaw.sc.gov)

**ORDINANCE NO. 345.2020**

**AN EMERGENCY ORDINANCE TO ESTABLISH SAFETY MEASURES, VIRTUAL MEETING ATTENDANCE, AND OPERATING PROCEDURES REGARDING POSTPONING AND/OR RESCHEDULING KERSHAW COUNTY COUNCIL MEETINGS**

**WHEREAS**, COVID-19, a novel, highly contagious and deadly virus, has been declared a pandemic by the World Health Organization and now poses a significant threat to County citizens; and

**WHEREAS**, on March 13, 2020, the President of the United States declared a national state of emergency thereby authorizing emergency federal funding and requesting local emergency action plans be activated; and

**WHEREAS**, on March 13, 2020, the Governor of South Carolina declared a state of emergency for South Carolina ordering the State's emergency operation plan be activated and requesting the Legislature appropriate funding to combat the effects of the pandemic; and

**WHEREAS**, on March 15, 2020, in an effort to curb the spread of COVID-19, the Governor of South Carolina ordered all public schools in South Carolina to close until March 31, 2020; and

**WHEREAS**, on March 17, 2020, the Governor of South Carolina issued Executive Order 2020-10 which provided additional safety measures and protocols to further fight the spread of COVID-19; and

**WHEREAS**, as of March 17, 2020, the South Carolina Department of Health and Environmental Control has reported at least 47 cases of COVID-19 in South Carolina, with over half of the cases occurring here in Kershaw County; and

**WHEREAS**, the World Health Organization currently reports over 200,000 COVID-19 cases globally, of which 6,600 have resulted in death; and

**WHEREAS**, Kershaw County Council, in an effort to protect and preserve the general welfare of its citizenry while promoting and enacting the will of the people, believes this world health event requires the Council to take all necessary actions to ensure the safety, welfare, and health of its residents, visitors, and County staff; and

**NOW, THEREFORE**, Kershaw County Council, by the power granted to it by the South Carolina Constitution and General Assembly through the Home Rule Act, hereby declares, enacts, ordains, and orders a State of Emergency provisioned as below:

1. That all protection measures available to Kershaw County for health and safety response be utilized and made available in order to preserve life and property.
2. That the County work closely with Federal, State, Local, School District and Utility officials to ensure a concerted effort of response during this public health crisis and earliest return to normalcy as to sustain our businesses and way of life.

3. Council Chair and Administrator are granted operational authority to respond to existing or anticipated contingencies within context of the emergency, specifically the use of funds, transfer of personnel and functions and to suspend regulations that would hinder a prompt response. Reports shall be faithfully rendered to the full Council at first opportunity where full consultation is not feasible otherwise. That the Administrator or his designated representative continuously dialogue with officials to establish reasonable and amenable plans of action for their statutory functions and service and serve as the single coordinating officer for Kershaw County.
4. That the Chairman of Kershaw County Council will have the authority to provide for remote or virtual attendance at meetings of Council, as well as virtual public access, both audio and visual, to meetings during the declared state of emergency in accordance with the South Carolina Home Rule Act and the South Carolina Freedom of Information Act, with the County continuing to make Council meetings accessible via the County's Facebook page and YouTube.
5. That the Chairman of Kershaw County Council will have the authority to postpone and/or reschedule meetings of Kershaw County Council during the declared state of emergency but only after consultation with members of County Council and the Clerk to Council. Said postponement or rescheduling will be in accordance with the provisions of the South Carolina Home Rule Act and the South Carolina Freedom of Information Act.
6. It is further authorized by this emergency ordinance that the Kershaw County Council Agenda may be trimmed to address the ongoing health emergency itself and those matters of business of immediate nature. Public attendance and comments may be eliminated in the interest of public safety and to reduce public exposure to COVID-19 virus.
7. This ordinance will remain in effect for the duration of the Governor's Emergency declaration unless sooner terminated by Kershaw County Council.
8. If any section of this ordinance is declared invalid by a court or found to be in conflict with sound legal principle or law, then the remaining portions of the ordinance will remain in effect.
9. This ordinance expressly takes precedence over and supersedes any other Kershaw County ordinance for the duration of the term provided herein.
10. This emergency ordinance is effective immediately.

**ORDAINED, ENACTED, AND ORDERED THIS 19<sup>th</sup> DAY OF MARCH, 2020**

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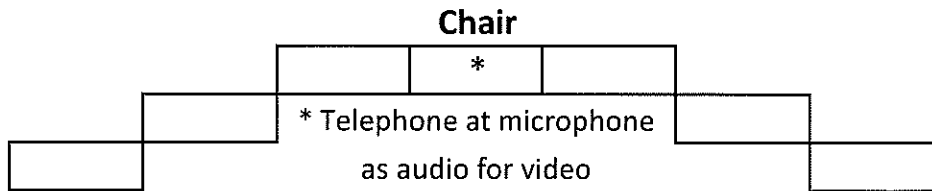
Kershaw County Council

ATTEST:

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Merri M. Seigler  
Clerk to Council

## Concept for Virtual Council Meeting Attendance State of Emergency

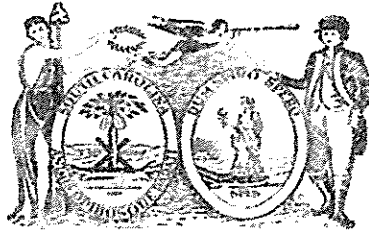


- 1 Chairman or his elected Council representative will be present with all other optional and dialing in to a designated number. No others can be on the conference call except Council, Attorney, Administration and those approved by the Chair.
- 2 Members will be able to follow along on YouTube, as well. Councilman wishing to speak will be recognized by the chair as with normal Council rules. When not speaking, conferees are asked to remain on mute.
- 3 Public can watch real time and/or access on Facebook/YouTube.

- **Essential Staff Only**
- **Practice Social Distancing**
- **Public Discouraged from Attending**

# State of South Carolina

## Executive Department



### Office of the Governor

#### EXECUTIVE ORDER NO. 2020-10

**WHEREAS**, on March 13, 2020, the undersigned issued Executive Order No. 2020-08, declaring a State of Emergency based on a determination that the 2019 Novel Coronavirus (“COVID-19”) poses an actual or imminent public health emergency for the State of South Carolina; and

**WHEREAS**, in addition to declaring a State of Emergency, Executive Order No. 2020-08 placed certain units or personnel of the South Carolina National Guard on State Active Duty, pursuant to section 25-1-1840 of the South Carolina Code of Laws, as amended, and directed, *inter alia*, the closure of public schools in those counties where the South Carolina Department of Health and Environmental Control (“DHEC”), in consultation with the Centers for Disease Control and Prevention (“CDC”), identified instances of COVID-19 transmission via “community spread”; and

**WHEREAS**, on March 13, 2020, the President of the United States declared that the COVID-19 outbreak in the United States constitutes a national emergency, which began on March 1, 2020; and

**WHEREAS**, on March 15, 2020, the undersigned issued Executive Order No. 2020-09, directing, *inter alia*, the closure of all public schools in the State of South Carolina for students and non-essential employees beginning Monday, March 16, 2020, and through Tuesday, March 31, 2020, and the postponement or rescheduling of any election scheduled to be held in this State on or before May 1, 2020, as well as urging that indoor and outdoor public gatherings be cancelled, postponed, or rescheduled, to the extent possible, or limited so as not to exceed one hundred (100) people; and

**WHEREAS**, on March 16, 2020, based on updated information and recommendations from the CDC, the President of the United States and the White House Coronavirus Task Force issued new guidance—titled, “The President’s Coronavirus Guidelines for America: 15 Days to Slow the Spread of Coronavirus (COVID-19)” —to help protect Americans during the global COVID-19 outbreak; and

**WHEREAS**, the President’s Coronavirus Guidelines for America recommend, *inter alia*, that the American people “avoid social gatherings in groups of more than 10 people” and “[a]void eating or drinking at bars, restaurants, and food courts—use drive-thru, pickup, or delivery options”; and

**WHEREAS**, COVID-19 represents an evolving public health threat, which requires that the State of South Carolina continue to take all necessary and appropriate actions in proactively preparing for and promptly responding to the threat posed by COVID-19; and

**WHEREAS**, section 1-3-430 of the South Carolina Code of Laws, as amended, provides that when a state of emergency has been declared, the undersigned “may further, cope with such threats and danger, order and direct any person or group of persons to do any act which would in his opinion prevent or minimize danger to life, limb or property, or prevent a breach of the peace; and he may order any person or group of persons to refrain from doing any act or thing which would, in his opinion, endanger life, limb or property, or cause, or tend to cause, a breach of the peace, or endanger the peace and good order of the State or any section or community thereof, and he shall have full power by use of all appropriate available means to enforce such order or proclamation”; and

**WHEREAS**, in accordance with section 25-1-440 of the South Carolina Code of Laws, as amended, when an emergency has been declared, the undersigned is “responsible for the safety, security, and welfare of the State and is empowered with [certain] additional authority to adequately discharge this responsibility,” to include issuing, amending, and rescinding “emergency proclamations and regulations,” which shall “have the force and effect of law as long as the emergency exists,” and “suspend[ing] provisions of existing regulations prescribing procedures for conduct of state business if strict compliance with the provisions thereof would in any way prevent, hinder, or delay necessary action in coping with the emergency”; and

**WHEREAS**, in addition to the foregoing, pursuant to section 25-1-440 of the South Carolina Code of Laws, the undersigned is authorized during a declared emergency to “transfer the direction, personnel, or functions of state departments, agencies, and commissions, or units thereof, for purposes of facilitating or performing emergency services as necessary or desirable,” and “compel performance by elected and appointed state, county, and municipal officials and employees of the emergency duties and functions assigned them in the State Emergency Plan or by Executive Order”; and

**WHEREAS**, as the elected Chief Executive of the State, the undersigned is further authorized, pursuant to section 25-1-440(7) of the South Carolina Code of Laws, to “direct and compel evacuation of all or part of the populace from any stricken or threatened area if this action is considered necessary for the preservation of life or other emergency mitigation, response, or recovery; to prescribe routes, modes of transportation, and destination in connection with evacuation; and to control ingress and egress at an emergency area, the movement of persons within the area, and the occupancy of premises therein”; and

**WHEREAS**, in accordance with section 16-7-10(A) of the South Carolina Code of Laws, as amended, “[i]n any area designated by the Governor in his proclamation that a state of emergency exists, and during the duration of the proclamation, it is unlawful for a person to: violate a provision in the proclamation including, but not limited to, any curfew set forth by the proclamation; congregate, unless authorized or in their homes, in groups of three or more and to refuse to disperse upon order of a law enforcement officer; or wilfully fail or refuse to comply with any lawful order or direction of any law enforcement officer”; and

**WHEREAS**, for the aforementioned and other reasons, the undersigned has determined that the evolving public health threat posed by COVID-19 requires additional proactive action by the State of South Carolina and other extraordinary measures deemed necessary to cope with the existing or anticipated situation.

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby order and direct as follows:

**Section 1.** I hereby direct the continued execution of the South Carolina Emergency Operations Plan and the utilization of all available resources of state government as reasonably necessary to address the current State of Emergency.

**Section 2.** I hereby direct DHEC to utilize and exercise any and all emergency powers, as set forth in the Emergency Health Powers Act, codified as amended in Title 44, Chapter 4 of the South Carolina Code of Laws, deemed necessary to promptly and effectively address the current public health emergency. In accordance with section 44-4-500 of the South Carolina Code of Laws, as amended, DHEC shall continue to “use every available means to prevent the transmission of infectious disease and to ensure that all cases of infectious disease are subject to proper control and treatment.”

**Section 3.** I hereby authorize and direct any agency within the undersigned’s Cabinet or any other department within the Executive Branch, as defined by section 1-30-10 of the South Carolina Code of Laws, as amended, through its respective director or secretary, to waive or “suspend provisions of existing regulations prescribing procedures for conduct of state business if strict compliance with the provisions thereof would in any way prevent, hinder, or delay necessary action in coping with the emergency,” in accordance with section 25-1-440 of the South Carolina Code of Laws and other applicable law.

**Section 4.** Pursuant to the aforementioned authorities and other applicable law, as well as the following specific provisions, I hereby order and direct that any and all restaurants or other food-service establishments (collectively, “Restaurants”), as set forth below, which prepare, produce, or otherwise offer or sell food or beverages of any kind for on-premises consumption in the State of South Carolina, shall suspend services for, and may not permit, on-premises or dine-in consumption, beginning Wednesday, March 18, 2020, and through Tuesday, March 31, 2020. Notwithstanding the foregoing directive and prohibition, I hereby authorize, permit, and encourage Restaurants to prepare, produce, or otherwise offer or sell food or beverages for off-premises

consumption to the extent currently authorized, permitted, or otherwise allowed by law, whether via delivery, carry-out or drive-thru distribution, curbside pick-up, or other alternate means.

For purposes of this Section, Restaurants are defined as “retail food establishment[s],” pursuant to citation 1-201.10(B)(106) of Regulation 61-25 of the South Carolina Code of Regulations, licensed or permitted by DHEC in accordance with section 44-1-140 of the South Carolina Code of Laws, as amended, or other applicable law, with the exception of “independent living food service operations” or “licensed healthcare facilities,” which are expressly excluded from the definition of Restaurants. This Section does not apply to grocery stores, pharmacies, convenience stores, gas stations, or charitable food distribution sites to the extent that such businesses, entities, or operations prepare, produce, or otherwise offer, sell, or distribute prepared food. However, on-premises, sit-down food or beverage service within these facilities is prohibited. This Section does not direct the closure of retail beverage venues that currently provide for the sale of alcoholic beverages for off-site consumption and does not require the closure of production operations or wholesale distribution at breweries, wineries, or distilleries. Notwithstanding the foregoing, to the extent that Restaurants are licensed or permitted by the South Carolina Department of Revenue (“DOR”) for the on-premises sale of “alcoholic liquors” or “alcoholic beverages,” as defined by section 61-6-20(1)(a) of the South Carolina Code of Laws, as amended, DOR and the South Carolina Law Enforcement Division are authorized to administer the provisions of this Order, and enforce compliance with the same, as necessary and appropriate. Pursuant to section 1-23-370(c) of the South Carolina Code of Laws, as amended, “[i]f the agency finds that public health, safety[,] or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action.”

Pursuant to sections 1-3-430 and 1-3-440 of the South Carolina Code of Laws, the undersigned is authorized to enforce the provisions of this Order, as well as Executive Order No. 2020-08, “by use of all appropriate available means,” to include, *inter alia*, “[o]rder[ing] any and all law enforcement officers of the State or any of its subdivisions to do whatever may be deemed necessary to maintain peace and good order” and “order[ing] or direct[ing] any State, county[,] or city official to enforce the provisions of such proclamation in the courts of the State by injunction, mandamus, or other appropriate legal action.” In addition to the foregoing authorities, noncompliance with this Section shall be further governed by the provisions of section 16-7-10(A) of the South Carolina Code of Laws.

**Section 5.** I hereby prohibit and direct the postponement, rescheduling, or cancellation, as applicable, of any organized event or public gathering scheduled to be hosted or held at any location or facility owned or operated by the State of South Carolina, or any political subdivision thereof, beginning Wednesday, March 18, 2020, and through Tuesday, March 31, 2020, if any such event or gathering could or would involve or require simultaneously convening fifty (50) or more persons in a single room, area, or other confined indoor or outdoor space. This Section does not apply to essential or emergency meetings of state or local government bodies or gatherings of government officials or employees or other personnel that may be required in connection with the performance of emergency or essential government functions. However, to the extent possible,



state or local government bodies should utilize any available technology or other reasonable procedures to conduct such meetings and accommodate public participation via virtual or other remote or alternate means.

**Section 6.** I hereby direct the Adjutant General to initiate and oversee efforts to coordinate with, between, and among the South Carolina National Guard and hospitals or other healthcare providers, as necessary and applicable, regarding any actual or potential requirements for, or contingency plans related to, the mobilization, utilization, or acquisition of resources; the creation, modification, or construction of mobile or temporary facilities or other critical infrastructure; or other anticipated or unanticipated matters related to the State's preparation for, and response to, the evolving public health threat posed by COVID-19. In accordance with section 25-1-1840 of the South Carolina Code of Laws, Executive Order No. 2020-08, and other applicable law, I further authorize and direct the Adjutant General to activate and utilize any and all South Carolina National Guard personnel and equipment he deems necessary and appropriate and to issue the requisite supplemental orders.

**Section 7.** This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

This Order is effective immediately and, with the exception of Sections 4 and 5, shall remain in effect for a period of thirty (30) days unless otherwise modified, amended, or rescinded by subsequent Order. Further proclamations, orders, and directives deemed necessary to ensure the fullest possible protection of life and property during this State of Emergency shall be issued verbally by the undersigned and thereafter reduced to writing and published for dissemination within the succeeding 24-hour period.



**GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 17th DAY OF MARCH, 2020.**

  
**HENRY MCMASTER**  
Governor

ATTEST:  
  
**MARK HAMMOND**  
Secretary of State



**PRESS RELEASE  
FOR IMMEDIATE RELEASE**

March 15, 2020

**Media Contact 803.425.1500**

Lauren Branham Reeder

Public Information Officer

[Lauren.reeder@kershaw.sc.gov](mailto:Lauren.reeder@kershaw.sc.gov)

**KERSHAW COUNTY URGES CAUTION WITH PUBLIC GATHERINGS**

**Kershaw County, SC** – Upon the advice of Dr. Akin Olatosi, Kershaw County infectious disease specialist, Kershaw County joins with the City of Camden in urging an abundance of caution in the coming weeks in avoiding public gatherings, or at least minimizing exposure. The aim is to contain the spread of the Covid19 virus, awaiting further resources, and to restore our County safely to normalcy at the earliest point. (See chart).

We encourage widespread interpretation of this advisory to gatherings of all sorts and public meetings of non-essential nature. An aggressive stance is commended by CDC guidelines and especially for “high risk” populations for gatherings of close contact or of 10 or more persons. High risk has been broadly applied to elderly persons and or those with pre-existing conditions.

Some places of worship have already cancelled for March 15th and questions for all religious meetings should be referred to your own places of worship. Kershaw County itself has already taken steps as to sustain only vital services. Schools are closed for two weeks and nursing homes accept no visitors.

We will revisit this advisory on a daily basis and reevaluate by week's end and thereafter. This advisory is purely a recommendation of caution to our informed private citizens and leaders, and is not directive in nature — as the best counsel we have from competent authorities.

Questions can be passed through respective Mayors, Kershaw County School District, and other municipal and County leaders. Press inquiries through County Office of the Administrator.

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