



**CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA**  
**North Myrtle Beach City Hall**  
**Special Called City Council Meeting Agenda**  
**Friday, March 26, 2021 - 1:30 P.M.**

1. CALL TO ORDER  
Roll Call
2. BUSINESS
  - A. Declaration of Extended State of Emergency
  - B. Extension of Emergency Ordinance
  - C. Amend Ordinance #20-31 regarding face coverings

Documents:

[2AB DECLARATION AND EXTENSION OF STATE OF EMERGENCY.PDF](#)  
[2C FACE COVERINGS ORDINANCE.PDF](#)

3. EXECUTIVE SESSION  
To discuss property acquisition

**Meeting Attendees**

- A social distancing protocol of 6 feet shall be observed at all times in City Hall and Council Chambers.
- Masks shall be required at all times in Council Chambers.

**Public Comment Period**

- Duration of the Public Comment Period shall not exceed 30 minutes.
- Each speaker is limited to 3 minutes. Each speaker is timed and a 30-second warning light appears.
- Please observe the rules.

**Rules Regarding Video Recording & Photography**

Except during the ceremonial portion of the Council meeting, all video recording and photography shall be conducted from a stationary position either:

- While seated in the back row of the Council Chambers
- While standing behind the last row of seats in Council Chambers

**Anyone Requiring an Auxiliary Aid or Service for Effective Communication or Participation**

- Should contact (843) 280-5555 as soon as possible
- No later than 24 hours before a meeting

**REQUEST FOR CITY COUNCIL CONSIDERATION**

Meeting Date: March 26, 2021

Agenda Items: 2A and 2B	Prepared for: Chris Noury, City Attorney
Agenda Section: Business	Date: March 23, 2021
Subject: Declaration of Extended State of Emergency & Extension of Emergency Ordinance	Division: Legal

**Background:**

On March 11, 2020, the World Health Organization declared a world-wide pandemic due to COVID-19 and on March 13, 2020, the President of the United States declared a National Emergency for the United States and its territories in an effort to reduce the spread of the virus. On the same day, Governor Henry McMaster declared a state of emergency for the State of South Carolina which continues to this day. On March 16, 2020 the City Council declared a state of emergency for the City of North Myrtle Beach. Since that time, City Council has extended the State of Emergency on six occasions (i.e., May 13, 2020, July 8, 2020, August 17, 2020, October 5, 2020, December 2, 2020, and January 27, 2021).

Recently, the proliferation of COVID-19 throughout the United States, especially in the State of South Carolina and Horry County, has required that City Council take several steps to protect the health and safety of residents and visitors. At this time, both the Centers for Disease Control and Prevention (CDC) and the South Carolina Department of Health and Environmental Control (SCDHEC) agree that a localized state of emergency still exists.

It is, therefore, necessary to pass an extension of the Declaration of State of Emergency and the accompanying Emergency Ordinance prior to March 28, 2021 when the current extension expires.

**Recommended Action:**

Adopt the 60-day extension of the Declaration of State of Emergency and the Emergency Ordinance.

Reviewed by Department Head	Reviewed by City Manager	Reviewed by City Attorney

Council Action:  
Motion By \_\_\_\_\_ 2<sup>nd</sup> By \_\_\_\_\_ To \_\_\_\_\_

## **DECLARATION OF STATE OF EMERGENCY FOR NORTH MYRTLE BEACH**

**WHEREAS**, according to the Centers for Disease Control (the “CDC”), Novel Coronavirus Disease 2019 (“COVID-19”) is a severe acute respiratory illness that can spread among humans through respiratory transmission; and

**WHEREAS**, 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 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, declared a state of emergency for the State of South Carolina; and

**WHEREAS**, COVID-19 has spread 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 significant risk of exposure and infection and creating an extreme public health risk; and

**WHEREAS**, City Council finds that COVID-19 continues to present an increasing danger to the health, safety and welfare of the public; 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**, there was a rapid spike of COVID-19 cases throughout South Carolina; and

**WHEREAS**, Horry County was named a COVID-19 hot spot by SCDHEC; and

**WHEREAS**, the North Myrtle Beach City Council passed an emergency ordinance on June 30, 2020 requiring face coverings; and

**WHEREAS**, the wearing of face coverings has helped to minimize the spread of COVID-19 but the amount of cases remains sufficiently high to require maintained vigilance; and

**WHEREAS**, the North Myrtle Beach City Council finds that a State of Emergency continues to exist due to the circumstances as described above, specifically declaring this State of Emergency for North Myrtle Beach, under the authority granted to it under State and local law, authorizing whatever measures necessary to respond appropriately to the emergency, and requests that State and Federal resources be mobilized in response to this extraordinary health event and resulting losses and damages sustained; and

**WHEREAS**, S.C. Code Section 5-7-250 empowers Council to enact emergency ordinances affecting life, health, safety, or property.

**NOW, THEREFORE**, the North Myrtle Beach City Council declares an extended State of Emergency to exist in North Myrtle Beach, which as set forth hereinabove, authorizes the City Manager to take the necessary measures to mobilize the necessary life safety mechanisms and responses, and working together with the State and other health organizations and agencies, schools and other governmental and private partners, assist in the taking of all reasonable actions and precautions as is necessary to ensure the fullest possible protection and preservation of life and property and continuation, restoration and recovery of essential public services to include providing for isolation and quarantine, limiting travel, modifying personnel requirements, practices and procedures, providing for remote access to the workplace by employees, canceling or postponing events, activities, appearances, or functions involving group gatherings, suspending the requirement of payment of transactional fees, transferring budgeted federal or state grant monies as necessary pursuant to federal/state guidelines, temporarily suspending attendance requirements for boards, commissions, committees, and the like, temporarily closing certain City facilities or portions thereof and that, in addition, directs that this Declaration be transmitted to the Governor for the State of South Carolina requesting that the Governor make the appropriate declarations and take whatever other actions necessary to address this emergency.

**NORTH MYRTLE BEACH CITY COUNCIL**

**By:** \_\_\_\_\_  
**Marilyn Hatley**

**Its: Mayor**

**Date: March 26, 2021**

**ORDINANCE**

**AN EMERGENCY ORDINANCE DECLARING THAT A LOCALIZED STATE OF EMERGENCY EXISTS WITHIN THE CITY OF NORTH MYRTLE BEACH AND AUTHORIZING THE APPROPRIATE ACTION TO BE TAKEN IN CONNECTION THEREWITH.**

**WHEREAS**, North Myrtle Beach City Council is empowered by Section 5-7-250(d) of the South Carolina Code of Laws and Section 2-36.8 of the Code of Ordinances of the City of North Myrtle Beach to adopt emergency ordinances to meet public emergencies affecting life, health, safety or the property of the people; and

**WHEREAS**, pursuant to section 5-7-250(d), such emergency ordinance shall be enacted by the affirmative vote of at least two-thirds of the members of council present, is effective immediately upon its enactment without regard to any reading, public hearing, publication requirements, or public notice requirements, and shall expire automatically as of the sixty-first day following the date of enactment; and

**WHEREAS**, the North Myrtle Beach City Council found it necessary to enact an emergency ordinance as a result of its determination that a localized emergency existed within the City of North Myrtle Beach, beginning March 16, 2020 and directed that certain measures be taken to address that emergency; and

**WHEREAS**, the City Council of North Myrtle Beach declared an extended state of emergency on May 13, 2020; and

**WHEREAS**, the City Council of North Myrtle Beach declared an extended state of emergency on July 8, 2020; and

**WHEREAS**, the City Council of North Myrtle Beach declared an extended state of emergency on August 17, 2020; and

**WHEREAS**, the City Council of North Myrtle Beach declared an extended state of emergency on October 2, 2020; and

**WHEREAS**, the City Council of North Myrtle Beach declared an extended state of emergency on December 2, 2020; and

**WHEREAS**, the City Council of North Myrtle Beach declared an extended state of emergency on January 27, 2020; and

**WHEREAS**, the current emergency declaration is set to expire on March 28, 2021; and

**WHEREAS**, it is the determination of City Council that a localized emergency still exists within the City of North Myrtle Beach.

**NOW, THEREFORE**, by the power and authority granted to the North Myrtle Beach City Council by the Constitution of the State of South Carolina and the powers granted to the City by the General Assembly of the State, the following is hereby ordained and enacted:

1. **DECLARATION OF STATE OF EMERGENCY:** In accordance with sections 5-7-250(d) of the South Carolina Code of Laws and Section 2.36.8 of the Code of Ordinances for the City of North Myrtle Beach, the North Myrtle Beach City Council hereby declares that a localized emergency still exists throughout the City, and hereby amends the Ordinance Declaring a State of Emergency for the City of North Myrtle Beach to be extended.
2. **TERMINATION/EXPIRATION:** This Ordinance shall remain in effect for sixty (60) days from passage unless sooner terminated by Resolution of City Council.
3. **SEVERABILITY:** If any section, subsection, or part of this Ordinance shall be deemed or found to conflict with a provision of South Carolina law, or other pre-emptive legal principle, then that section, subsection or part of this Ordinance shall be deemed ineffective, but the remaining parts of this Ordinance shall remain in full force and effect.
4. **CONFLICT WITH PRECEDING ORDINANCES:** If a section, subsection or provision of this Ordinance shall conflict with the provisions of a section, subsection or part of a preceding Ordinance of North Myrtle Beach, unless expressly so providing, then the preceding section, subsection or part shall be deemed repealed and no longer in effect.
5. **EFFECTIVE DATE:** This Ordinance shall become effective immediately upon passage.

**AND IT IS SO ORDAINED, ENACTED AND ORDERED**

**Dated this 26<sup>th</sup> Day of March, 2021**

**North Myrtle Beach City Council**

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**Marilyn Hatley, Mayor**

**On behalf of the entire North Myrtle Beach City Council.**

YES	NO	NOT PRESENT	
___	___	_____	<b>TERRY WHITE</b>
___	___	_____	<b>HANK THOMAS</b>
___	___	_____	<b>J.O. BALDWIN</b>
___	___	_____	<b>FRED COYNE</b>
___	___	_____	<b>NICOLE FONTANA</b>

**ORDINANCE:** 21-14

**REQUEST FOR CITY COUNCIL CONSIDERATION**

Meeting Date: March 26, 2021

Agenda Item: 2C	Prepared for: Mike Mahaney, City Manager
Agenda Section: Business: Ordinance. First Reading	Date: March 24, 2021
Subject: Amending Ordinance #20-31 regarding face coverings	Division: Administration

**Background:**

On October 19, 2020, City Council passed Emergency Ordinance 20-31, requiring individuals to wear face coverings in certain circumstances. On March 5, 2021, Governor McMaster issued Executive Order No. 2021-12 which narrowed the guidelines for face coverings in restaurants. To remain consistent with state law, we are proposing to amend Ordinance 20-31 by striking the word “restaurants” from Section 1, paragraph number two. All other portions of Ordinance 20-31 shall remain unchanged and be enforceable, as such.

**Recommended Action:**

Approve the proposed ordinance on first reading

Reviewed by Department Head	Reviewed by City Manager	Reviewed by City Attorney
Council Action: Motion By _____ 2 <sup>nd</sup> By _____ To _____		

## AN ORDINANCE

### REQUIRING INDIVIDUALS TO WEAR FACE COVERINGS IN CERTAIN CIRCUMSTANCES, AND MATTERS RELATED THERETO

**WHEREAS**, according to the Centers for Disease Control (CDC) Novel Coronavirus Disease 2019 (“COVID-19”) is a severe acute respiratory illness that can spread among humans through respiratory transmission; and

**WHEREAS**, 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 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, declared a state of emergency for the State of South Carolina; and

**WHEREAS**, COVID-19 has spread 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 significant risk of exposure and infection and creating an extreme public health risk; and

**WHEREAS**, City Council finds that COVID-19 continues to present an increasing danger to the health, safety and welfare of the public; and

**WHEREAS**, the CDC and SCDHEC advise the use of cloth face coverings to slow the spread of COVID-19, 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**, the CDC advises that a significant portion of individuals with coronavirus lack symptoms (“asymptomatic”) and that even those who eventually develop symptoms (“pre- symptomatic”) can transmit the virus to others before showing symptoms. This means that the virus can spread between people interacting in close proximity – for example, speaking, coughing, or sneezing – even if those people are not exhibiting symptoms; and

**WHEREAS**, the CDC recommends wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain in order to slow the spread of the virus; and

**WHEREAS**, Governor McMaster issued Executive Order 2020-50 on August 3, 2020 specifically outlining directives and protocol for wearing face coverings to prevent the spread of COVID-19; and

**WHEREAS**, City Council finds it is in the best interest of public health, safety and the welfare of residents, workers, and visitors to North Myrtle Beach to require suitable face coverings in certain public locations to slow the spread of COVID-19; and

**WHEREAS**, Governor McMaster issued Executive Order #2021-12 encouraging the use of face coverings in restaurants, but not requiring them; and

**WHEREAS**, state law supersedes municipal statute.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA:**

**SECTION 1. Findings.** The above recitals are adopted by City Council as legislative findings.

1. All persons entering any retail business, including but not limited to grocery stores and pharmacies and any business where personal services are dispensed including but not limited to hair and/or nail salons, barber shops and tattoo parlors in the City must wear a face covering while inside the establishment. In the event that the face covering interferes with the personal service provided, such as a haircut, the face covering can be removed while the personal service is being dispensed. The business shall not have responsibility for enforcing this requirement but shall post conspicuous signage at all entrances informing its patrons of the requirements of this section.
2. All ~~restaurants~~; retail establishments including but not limited to, grocery stores pharmacies; businesses providing personal services including but not limited to hair and nail salons, barber shops and tattoo parlors; all government offices in the City must require their employees to wear a face covering at all times while having face to face interaction with the public.
3. Exemptions from this Ordinance: Any person who is unable to safely wear a face covering due to age, an underlying health condition, or is unable to remove the face covering without assistance of others; any person whose religious beliefs prevents them from wearing a face covering.
4. This Ordinance shall be enforced by a City code compliance official or law enforcement officer.
5. A person who fails to comply with Section 1 of this Ordinance shall be guilty of a civil infraction, punishable by a fine of not more than \$25.00.
6. A person who fails to comply with Section 2 of this Ordinance shall be guilty of a civil infraction, punishable by a fine of not more than \$100.00. Each day of a continuing violation of this Ordinance shall be considered a separate and distinct offense.
7. The City recommends that all restaurants within the City participate in the Palmetto Priority program established by the SC Restaurant and Lodging Association to provide a clean and safe environment for their staff and customers.
8. ~~That Emergency Ordinance 20-24 shall remain in effect until second reading of Ordinance 20-31 at which time it shall expire.~~
9. That this ordinance shall take effect immediately upon passage of the second reading but may be terminated by the issuance of a resolution or shall automatically expire upon termination or expiration of the Emergency Declaration and Ordinance regarding COVID-19 in the City of North Myrtle Beach, whichever date is earlier.

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

ATTEST:

\_\_\_\_\_  
Mayor Marilyn Hatley

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

APPROVED AS TO FORM:

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

FIRST READING: 3-26-2021

SECOND READING: \_\_\_\_\_

REVIEWED:

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

ORDINANCE: 21-15