

North Augusta



South Carolina's Riverfront

MINUTES OF APRIL 6, 2020

Robert A. Pettit, Mayor

*J. Robert Brooks, Councilmember
Pat C. Carpenter, Councilmember
Fletcher L. Dickert, Councilmember
David W. McGhee, Councilmember
Eric H. Presnell, Councilmember
Kevin W. Toole, Councilmember*

ORDER OF BUSINESS

REGULAR MEETING

The regular meeting of the City Council of the City of North Augusta of April 6, 2020 having been duly publicized was called to order by Mayor Pettit at 7:00 p.m. and adjourned at 7:42 p.m. Per Section 30-4-80, (e) notice of the meeting by email was sent out to the current maintained "Agenda Mailout" list consisting of news media outlets and individuals or companies requesting notification. Notice of the meeting was also posted on the outside doors of the Municipal Center, the main bulletin board of the Municipal Center located on the first floor, and the City of North Augusta website.

Mayor Pettit rendered the invocation and the Pledge of Allegiance.

Members present were Mayor Pettit, Councilmembers Brooks, Carpenter, Dickert, McGhee, Presnell, and Toole.

Also in attendance were Rachele Moody, Interim City Administrator; Kelly F. Zier, City Attorney; John C. Thomas, Director of Public Safety; Ricky Jones, Manager of Information Technology; and Sharon Lamar, City Clerk. Members of the public and the media were also present.

The minutes of the Regular City Council Meeting and Study Session of March 16, 2020 were approved by general consent.

ITEM 5. CITY CODE: Emergency Ordinance 2020-10 - An Ordinance to Be Adopted as a Result of the Declaration by the Governor of a State of Emergency in South Carolina and Providing for a Procedure to Allow the City Council, Planning Commission, Board of Appeals and All Agencies of the City that Conduct Public Meetings to Conduct Such Public Meetings Electronically

On the motion of Mayor Pettit, second of Councilmember Carpenter, Council agreed to consider an ordinance to be adopted as a result of the declaration by the Governor of a State of Emergency in South Carolina and providing for a procedure to allow the City Council, Planning Commission, Board of Appeals and all agencies of the City that conduct public meetings to conduct such public meetings electronically. Mayor Pettit called upon Kelly Zier, City Attorney, to read the entire ordinance aloud to those in attendance and those participating via live-stream. Following the reading, Mr. Zier gave a brief explanation of the ordinance that was written from a template provided by the Municipal Association of South Carolina and allowable by FOIA. Councilmembers Carpenter and Presnell confirmed that the ordinance was only in place for sixty-one days. Mr. Zier added that Council could vote to discontinue meeting electronically at any time and could vote to extend the ordinance should there be a need. Several other Councilmembers voiced the need for details to be worked out such that public comments can be added on agenda items. Rachele Moody, Interim City Administrator, explained that the City's Leadership Team has been using "Go to Meeting" as an avenue to meet electronically for the past two weeks. She has also contacted other municipalities throughout the state for recommendations. Some are using "Go to Meeting"; others are using "Zoom." She assured Mayor and Council that all of these details will be worked out and communicated before the next scheduled meeting. The ordinance was approved unanimously. (Please note this Emergency Ordinance only required one reading.)

Please see ATTACHMENT #5 for a copy of the proposed ordinance.

ITEM 6. ADMINISTRATIVE REPORTS

There were no Administrative Reports.

ITEM 7. CITIZENS COMMENTS/RECOGNITION OF VISITORS:

Please see the attached Speaker Forms, if completed, for the April 6, 2020 Council Meeting.

A. Citizen Comments were made by:

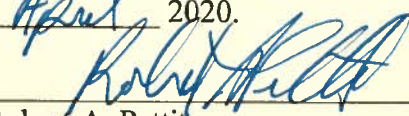
Misty Mitchell (No Speaker Form submitted)
Steven Bryant (No Speaker Form submitted)
Jeff Hutto (Email comments attached)

B. Council Comments:

Mayor Pettit advised all citizens to stay safe and well. He also reminded that Governor McMaster issued another Executive Order today. This order mandated that the citizens of South Carolina limit travel to "Home and Work."


There being no further business, Council adjourned at 7:42 p.m.

APPROVED THIS 20 DAY OF
April 2020.



Robert A. Pettit
Mayor

Respectfully submitted,



Sharon Lamar
City Clerk

ATTACHMENT #5

EMERGENCY ORDINANCE 2020- 1.

AN ORDINANCE TO BE ADOPTED AS A RESULT OF THE DECLARATION BY THE GOVERNOR OF A STATE OF EMERGENCY IN SOUTH CAROLINA AND PROVIDING FOR A PROCEDURE TO ALLOW THE CITY COUNCIL, PLANNING COMMISSION, BOARD OF APPEALS AND ALL AGENCIES OF THE CITY THAT CONDUCT PUBLIC MEETINGS TO CONDUCT SUCH PUBLIC MEETINGS ELECTRONICALLY.

WHEREAS, on March 13, 2020, Governor Henry McMaster issued Executive Order No. 2020-08 related to 2019 Novel Coronavirus (“*COVID-19*”) and declared that a State of Emergency exists in South Carolina; and

WHEREAS, on March 15, 2020, the Centers for Disease Control and Prevention issued guidance recommending the suspension of large events and mass gatherings that consist of 50 people or more in order to slow the spread of COVID-19; and

WHEREAS, while it is imperative for local government to continue to operate during States of Emergency, it is equally imperative for local governments to take steps to minimize the need for large gatherings in order to protect public health and safety and the health and safety of local government officials and staff; and

WHEREAS, the South Carolina Freedom of Information Act, which is codified at Title 30, Chapter 4 of the Code of Laws of South Carolina 1976, as amended, (the “*Act*”) defines a “Meeting” as “the convening of a quorum of the constituent membership of a public body, whether corporal *or by means of electronic equipment*, to discuss or act upon a matter over which the public body has supervision, control, jurisdiction or advisory power” (emphasis added); and

WHEREAS, due to the State of Emergency related to COVID-19, it is advisable to make provisions for the holding of electronic public meetings, while ensuring any electronic meeting fully complies with the open meeting requirements of the Act; and

WHEREAS, the Act further permits that emergency meetings of public bodies may be held without having provided twenty-four hours’ notice of such meeting; and

WHEREAS, South Carolina law provides that cities and counties may enact emergency ordinances to meet public emergencies affecting life, health, safety or the property of the people upon a single reading, provided that such ordinance does not levy taxes, grant, renew or extend a franchise or impose or change a service rate, upon the affirmative vote of at least two-thirds of the city or county council present, and provided that such emergency ordinance shall expire automatically on the sixty-first day following its enactment; and

WHEREAS, it is hereby determined that a public emergency affecting life, health, and safety does exist, and therefore, it is appropriate and necessary to conduct an emergency meeting in order to enact/adopt this Emergency Ordinance.

NOW THEREFORE, BE IT ORDAINED in this meeting of the Mayor and City Council of the City of North Augusta, South Carolina, in meeting duly assembled and by the authority thereof, that:

Section 1. Standards for Electronic Meetings. The public bodies of the City are hereby authorized to conduct public meetings exclusively in electronic form, provided the medium for such meeting, whether telephonic, broadcast video, computer-based, or other electronic media, or any

combination of these, and the conduct of the electronic meeting, allows for the following standards and practices to be met:

(a) At the beginning of any electronic meeting, the presiding officer shall poll the members of the Public Body to confirm attendance, and any member of the Public Body attending by way of electronic media shall be considered present for the purposes of constituting a quorum.

(b) Throughout the duration of the electronic meeting, all members of the Public Body, as well as any officials or staff required to speak at such meeting, must have the capability to be heard at all times by any other member of the Public Body and by the general public.

(c) Any vote of the Public Body must be conducted by individual voice vote of the members of the Public Body, who shall verbally indicate their vote on any matter by stating "yay" or "nay." All individual votes shall be recorded by the clerk, secretary, or presiding officers, as appropriate.

(d) Meetings shall be recorded or minutes kept in the same manner as an in-person meeting as required by the Act.

(e) All members of the Public Body, officials, staff, and presenters should identify themselves and be recognized prior to speaking. Members of the Public Body shall strictly comply with the rules of the Public Body as they relate to procedural matters in order to preserve order and allow for the effectiveness of electronic meetings.

(f) Electronic executive sessions shall be permitted in accordance with the provisions of the Act and the Public Body shall properly announce its reason for going into any executive session in conformance with Section 30-4-70 of the Act. Upon the entry into any electronic executive session, meeting minutes need not be kept and the electronic meeting utilized for such executive session may be held by (i) a separate telephonic, broadcast video, computer-based, or other electronic media, or any combination of these wherein the public shall not be permitted to participate, or (ii) on the initial telephonic, broadcast video, computer-based, or other electronic media, or any combination of these, with the implementation of necessary participation or listening restrictions, provided that in either instance all members of the Public Body must have the capability to be heard at all times.

(g) With respect to any electronic meeting, any public comment periods provided for by local ordinance, resolution, policy, or bylaws are hereby suspended. Members of the public may submit written public comments which shall be distributed to the members of the Public Body.

Section 2. Suspension of Local Provisions. During the period of effectiveness of this Ordinance, any ordinance, resolution, policy, or bylaw of the Public Body that conflicts with the provisions hereof is suspended and shall be superseded hereby.

Section 3. Effective Date; Expiration. The provisions hereof shall be effective upon a single hearing and two-thirds vote of the Mayor and City Council, and shall expire on the sixty-first day following the effective date hereof.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS ____ DAY OF _____, 2020.

ROBERT A. PETTIT, MAYOR

ATTEST:

SHARON LAMAR, CITY CLERK

Lamar, Sharon

From: Jeff Hutto <js.hutto@gmail.com>
Sent: Friday, April 03, 2020 12:54 PM
To: Lamar, Sharon
Subject: Letter to City Council

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon Sharon,
First, thank you for calling me about so quickly about my question on city council meetings.

Below is the question I would like presented to the City Council at the next public meeting:

To the Council Members of the City of North Augusta,
At this point, the entire nation is experiencing the economic strain that has accompanied the effort to stem the spread of the COVID-19 virus. The most obvious sign is the closed stores and empty shelves in the grocery stores as people prepare to shelter in their homes. As business activity at restaurants dwindles and halts, citizens are eating more home-cooked meals, and a big part of those meals includes eggs as a good source of quality protein and other nutrients.
This is why I'm requesting the City Council to consider an amendment to Section 5-12 of the North Augusta City Code of Ordinances allowing each home with a fenced-in backyard to raise a maximum of 4 hens (no roosters) in an enclosed coop. Other cities in South Carolina including Cayce, Columbia (see Section 4-35 of the Code of Ordinances), Lexington, Forest Acres, Chapin, and West Columbia have similar ordinances allowing a limited ownership of hens. Hens are quiet, provide food in the form of eggs, eat pests including ticks, grasshoppers, ground beetles, etc.
I believe such a change would provide more benefit than harm to our city.
Thank you for your consideration.

Jeff Hutto

Administration Department



Interoffice Memorandum

TO: Mayor and City Council

FROM: Rachelle Moody, Interim City Administrator

DATE: April 2, 2020

SUBJECT: CANCELED - Study Session for Monday, April 6, 2020

The Study Session previously scheduled
for Monday, April 6, 2020 at 6:00 P.M.
has been cancelled.