



**\*FACE COVERINGS ARE REQUIRED FOR ANYONE ENTERING  
THE COUNCIL CHAMBERS\***

**THE IRMO TOWN COUNCIL WILL HOLD A REGULAR MEETING ON TUESDAY,  
JULY 21, 2020, BEGINNING AT 7:00 P.M. IN THE MUNICIPAL BUILDING,  
7300 WOODROW STREET, IRMO, SC 29063**

### AGENDA

- I. Call to Order
- II. Pledge of Allegiance
- III. Invocation
- IV. Reading of the Minutes: July 7 (emergency); July 7 (regular); and July 15, 2020
- V. Report of Standing
  - A. Administrative Briefing
  - B. New In-Town Businesses

Carolina Thread Place	7719 St Andrews Rd, Suite D
ComplianceRX Multidose System	1706 Quail Valley West
Hawkins & Rawlinson, Inc	1345 Lake Murray Blvd
Infinite Solutions Counseling	7803 St Andrews Rd
New Dawn Management, LLC	7001 St Andrews Rd, Suite 352
Spirit Primary Care, LLC	7001 St Andrews Rd, Suite B9
- VI. Amendments to the Agenda
- VII. Consideration of Communications
  - A. Recognition of Chief Perry's Service to Town (Council)
- VIII. Presentation by Citizens (Agenda Items IX or X Only)
- IX. UNFINISHED BUSINESS
- X. NEW BUSINESS
  - A. Approval to extend Ordinance 20-15 (Irmo mask mandate) an additional 30 days to expire on September 4, 2020 (Mayor)
  - B. Approval of Lexington County Resolution to continue the Intergovernmental Cooperative Agreement and Urban Entitlement through 2023 (Staff)
  - C. Approval to purchase either a speed trailer from All Traffic Solutions in the amount of \$9,951; or a portable speed detection sign from All Traffic Solutions in the amount of \$4,967.22 each (Mayor)

D. Appointment to the Planning Commission replacing Mr. Lizewski whose term expires (Staff) applicants are Robert Cox; Judy DeLoach; Audra Hawisher; Rod Rockwell; David McFarland; Sharon Slashinski; Brenda Clark;

XI. Presentation by Citizens

XII. Discussion

XIII. Executive Session

A. Personnel Matter / Administrator Review (Mayor)

(Council may act on items discussed in executive session after returning from the executive session).

XIV. Adjournment

*In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), the Town of Irmo will not discriminate against qualified individuals with disabilities based on disability in its services, programs, or activities. If you need an accommodation to attend the meeting, please contact the Town Administrator for assistance at (803)781-7050, M-F between the hours of 8:30 – 5:00 (closed most Federal and State Holidays).*

# **NEW IN-TOWN BUSINESSES**

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STATE OF SOUTH CAROLINA )  
 )  
TOWN OF IRMO )

**EMERGENCY ORDINANCE 20-15**

**BE IT ORDERED AND ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF IRMO IN COUNCIL DULY AND LAWFULLY ASSEMBLED, THAT THE EMERGENCY ORDINANCE WILL BE IN EFFECT FROM THIS DATE AND EXPIRE IN 60 DAYS.**

**REQUIRING INDIVIDUALS TO WEAR FACE COVERINGS IN RETAIL AND FOODSERVICE ESTABLISHMENTS, AND MATTERS RELATED THERETO**

**WHEREAS**, the 2019 Novel Coronavirus (“COVID-19”) is a respiratory disease that can result in serious illness or death by the SARS-CoV-2 virus, which is a new strain of coronavirus previously unidentified in humans and which can spread from person to person;

**WHEREAS**, the World Health Organization declared COVID-19 a Public Health Emergency of International Concern on January 30, 2020;

**WHEREAS**, the Centers for Disease Control and Prevention (the “CDC”) has warned of the high public health threat posed by COVID-19 globally and in the United States;

**WHEREAS**, on January 31, 2020, the United States Department of Health and Human Services Secretary declared a public health emergency in the United States for COVID-19 under Section 391 of the Public Health Service Act;

**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;

**WHEREAS**, also on March 13, 2020, the Governor of the State of South Carolina (the “State”) issued Executive Order 2020-08, declaring a State of Emergency based on a determination that the COVID-19 poses an actual or imminent public health emergency for the State;

**WHEREAS**, the Governor of the State has subsequently declared a continued State of Emergency in Executive Orders 2020-15 (March 28), 2020-23 (April 12), 2020-29 (April 27), 2020-35 (May 12), 2020-38 (May 27), and 2020-40 (June 11);

**WHEREAS**, the State is experiencing a dramatic increase in the number of identified new COVID-19 cases, and as of June 25, 2020, the South Carolina Department of Health and Environmental Control (“DHEC”) is reporting that there have been 27,842 confirmed COVID-19 cases and 683 confirmed COVID-19 deaths in the State;

**WHEREAS**, if COVID-19 cases continue to increase in the State and in the Town of Irmo, the demand for medical, pharmaceutical, personal, and general cleaning supplies may overwhelm sources of supply; the private and public sector work force may be negatively impacted by absenteeism; and the demand for medical facilities may exceed locally available resources;

**WHEREAS**, health authorities, including the CDC, the Surgeon General of the United States, and DHEC have recommended the use of face coverings as a means of preventing the spread of COVID-19; and

**WHEREAS**, S.C. Code § 5-7-250(d) provides that “[t]o meet public emergencies affecting life, health, safety or the property of the people, council may adopt emergency ordinances ... by the affirmative vote of at least a majority of the members of council present. Emergency ordinances shall expire automatically as of the sixty-first day following the date of enactment;”

**WHEREAS**, the Irmo Town Council has determined, based on the recommendations of public health experts and responsive to a serious threat to the public health, safety, and welfare of its citizens, that it would serve the public interest to require that individuals wear face coverings in certain situations and locations;

**WHEREAS**, the South Carolina Attorney General, on June 25, 2020, issued a public statement that enacting local mask requirements is within the police power of municipalities and is not preempted by State law;

**WHEREAS**, this Ordinance has been approved by at least a majority of the Councilmembers present at the meeting in which it was considered;

**NOW, THEREFORE**, be it ordained by the Irmo Town Council as follows:

**Section 1. Definitions.** As used herein, the terms below shall have the following meanings

- 1) “Establishment” means a Foodservice Establishment or Retail Establishment.
- 2) “Face Covering” means 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.
- 3) “Foodservice Establishment” means any establishment within the town limits that sells prepared food on a delivery, carry-out, or drive-through basis.
- 4) “Responsible Person,” with respect to an Establishment, means any individual associated with the Establishment who has the authority and ability to enforce the requirements of the Ordinance within the Establishment, such as an owner, manager, or supervisor. “Responsible Person” may also include an employee or other designee that is present at the Establishment but does not have the title of

manager or supervisor, but who has the temporary or designated authority and ability to ensure that the requirements of this Ordinance are met while the Establishment is open to the public.

- 5) "Retail Establishment" means any retail business, organization, establishment, or facility open to the public within the Irmo town limits, including without limitation:
  - a) grocery stores, convenience stores, and any other establishment engaged in the retail sale of non-prepared food;
  - b) commercial stores engaged in the retail sale of goods or services to the public including without limitation sporting goods stores; furniture and home-furnishings stores; clothing, shoe, and clothing-accessory stores; jewelry, luggage, and leather goods stores; department stores; hardware and home-improvement stores; book, craft, and music stores; florists and flower stores; and all other stores that sell supplies for household consumption or use;
  - c) pharmacies and other stores that sell medications or medical supplies;
  - d) alcoholic beverage stores; and
  - e) laundromats.

**Section 2. Use of Face Coverings.** Effective as of July 7, 2020:

- 1) all customers are required to wear Face Coverings while inside the enclosed area of any Retail Establishment or Foodservice Establishment;
- 2) all Retail Establishments shall require staff to wear, and those staff shall wear, Face Coverings while working in areas open to the general public and areas in which interactions with other staff are likely in which social distancing of at least six feet cannot be observed; and
- 3) all Foodservice Establishments shall require staff who interact with customers (including, without limitation, delivery personnel) to wear, and those staff shall wear, Face Coverings while working.

**Section 3. Exemptions.** Face Coverings shall not be required:

- a) in outdoor or unenclosed areas appurtenant to Retail Establishments or Foodservice Establishments in which social distancing of at least six feet is possible and observed;
- b) for people, whose religious beliefs prevent them from wearing a Face Covering;
- c) for those who cannot wear a Face Covering due to a medical or behavioral condition;
- d) for children under 10 years old, provided that adults accompanying children age 10 through 18 shall use reasonable efforts to cause those children to wear Face Coverings while inside the enclosed area of any Retail Establishment or Foodservice Establishment;
- e) for patrons of Foodservice Establishments while they are dining;
- f) in private, individual offices;
- g) when complying with directions of law enforcement officers;

- h) in settings where it is not practical or feasible to wear a Face Covering, including when obtaining or rendering goods or services such as the receipt of dental services or while swimming;
- i) while exclusively with members of a family or the same household, and no person other than such family or household is within the same enclosed area.

**Section 4. Individual Violations: Civil Infraction.** Any person violating the provisions of this Ordinance by failing to wear a Face Covering when required shall be guilty of a civil infraction, punishable by a penalty of not more than \$25.00. Each day of a continuing violation of this Ordinance shall be considered a separate and distinct offense.

**Section 5. Responsible Person Violations: Civil Infraction.** Any Responsible Person violating the provisions of this Ordinance by failing to require employees of the Establishment to wear a Face Covering when required shall be guilty of a civil infraction, punishable by a penalty of not more than \$25.00. Each day of a continuing violation of this Ordinance shall be considered a separate and distinct offense.

**Section 6. Responsible Person Violations: Revocation of Permits and Licenses.** In addition to the penalties established by Section 5 hereof, repeated violations of this Ordinance by a Responsible Person by failing to require employees of the Establishment to wear a Face Covering may, subject to all procedural protections set forth in the Town Code, result in the suspension or revocation of any occupancy permit or business license issued to business where the repeated violations occurred.

**Section 7. Responsible Person Violations: Public Nuisance.** In addition to the penalties established by Section 5 hereof, repeated violations of this Ordinance by a Responsible Person by failing to require employees of the Establishment to wear a Face Covering are additionally hereby declared to be a public nuisance, which may be abated by the Town by restraining order, preliminary and permanent injunction, or other means provided for by the laws of this State. The foregoing notwithstanding, every effort shall be made to bring Establishments into voluntary compliance with the terms of this Ordinance prior to the commencement of any enforcement action.

**Section 8. Duties of Establishments and Responsible Persons.** Establishments and Responsible Persons shall have a duty to enforce the provisions of this Ordinance only against employees of the Establishment. Without limiting the generality of the foregoing, no Establishment or Responsible Person shall have any duty to require that customers, visitors, or other members of the general public wear Face Coverings.

**Section 9. Suspension of Contrary Local Provisions.** During the Emergency Term (as defined in Section 12 below), any ordinance, resolution, policy, or bylaw of the Town that conflicts with the provisions hereof shall be and is hereby suspended and superseded.

**Section 10. Expiration of Ordinance; Extension of Emergency Term.** As provided by S.C. Code § 5-7-250(d), this Ordinance shall expire automatically as of the sixty-first day following the date of enactment (the “Emergency Term”). Notwithstanding the foregoing,

however, Council may extend the Emergency Term by emergency ordinance for one or more additional terms, each of no more than sixty days, provided that the total duration of the Emergency Term shall not exceed six months without enacting an ordinance in the ordinary course.

**This Ordinance, as an emergency ordinance, shall become effective immediately upon Council approval on one reading, and shall expire automatically as of the sixty-first day following the date of enactment.**

PASSED AND ADOPTED this 7<sup>th</sup> day of July 2020.

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Barry A. Walker, Sr. Mayor

ATTEST:

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Renee Caviness, Clerk/Treasurer



**COUNTY OF LEXINGTON**  
**URBAN ENTITLEMENT RESOLUTION**

**Whereas**, since 2007 the County of Lexington has joined with the 14 County Municipalities, including the Town of Irmo in order to obtain Urban County status with the United States Department of Housing and Urban Development and be eligible to receive annual Urban County entitlement grants of Community Development Block Grant, HOME Partnership Grant and Emergency Shelter Grant funds; and

**Whereas**, said partnership has been successful, resulting in the receipt of millions of dollar in grant funds by the County and the Municipalities of the County of Lexington which has been vital in providing and improving housing for low and moderate income families in the County and said Municipalities as well as the infrastructure in their communities, recreation and social services throughout the County; and

**Whereas**, the County and said municipalities have designated the County of Lexington Community Development Department, Grants Program Division as their agent to administer said grant funds; and

**Whereas**, it is now time to renew said Cooperative Agreement for an additional three year period for Fiscal years 2021-2023;and

**Whereas**, this Cooperative Agreement shall automatically be renewed for participation in the successive three year qualification period, unless the County of Lexington and the Town of Irmo elect not to participate in a new qualification period; and

**NOW, THEREFORE, BE IT RESOLVED** that the County of Lexington shall continue its Cooperative Agreement with the Town of Irmo; and appoint the County of Lexington as its agent for the purpose of administering U.S. Department of Housing and Urban Development Grant Funds Received as a result of said Agreement.

IT IS SO RESOLVED THIS \_\_\_\_\_ DAY OF JULY \_\_\_\_\_ 2020.

\_\_\_\_\_  
Barry A. Walker, Mayor

ATTEST:

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Robert "Bob" Brown, Town Administrator