



MINUTES

County Council Meeting

Special Meeting

Monday, April 6, 2020

Spartanburg County Council met on Monday, April 6, 2020, in County Council Chambers of the County Administration Building. The following were in attendance: Honorable Manning Lynch, Chairman; Honorables Michael Brown, Jack Mabry, David Britt, Whitney Farr, Bob Walker and Roger Nutt, Council Members; along with Cole Alverson, County Administrator; Earl Alexander, Deputy County Administrator; Ginny Dupont, County Attorney; and John Harris, County Attorney. In compliance with the Freedom of Information Act, notice of this meeting was provided in advance to the local news media and other interested parties.

- I. Chairman Lynch called the meeting to order.

- II. Mr. Lynch stated this is a meeting being called for by circumstances that he does not think any of the Council Members ever contemplated. This meeting was noticed for Council to take a nonemergency type action. However, things happened over the 24 hours prior to the meeting that caused Council to decide it was time to move straight to an Emergency Ordinance. Mr. Lynch stated that all of Council took an oath to their office that they would uphold the Constitution of South Carolina and the Constitution of the United States. Council worked very hard on the Ordinance that was presented to make sure that they have not trampled on anybody's constitutional rights, and it is Council's intention to continue to do that going forward. The Ordinance considered was basically an Ordinance to allow Council to meet electronically or telephonically going forward as long as the restrictions of public gatherings of any size is in place. The Freedom of Information Act authorizes a public body to meet by means of a telephone call or other electronic means as long as Council complies with the other provisions of the South Carolina Freedom of Information Act. The Ordinance will also allow the County Administrator, in consultation with the Council Chairman, to do the things necessary to keep the County operating effectively, maintain the functions deemed as essential, and be given the power to move personnel around as necessary.

Mr. Alverson covered the highlights of the Ordinance. It acknowledges the Emergency Declarations already made by the President and the Governor. It also acknowledges on a County level the emergency nature of what we are experiencing here. A number of things changed over the 24 hours prior to the meeting that led Administration to seek some operational changes to make sure we are evolving as the situation itself evolves. It also acknowledges that Council and the County must still conduct business in a changing and uncertain environment effectively. Then it sets out provisions for how Council can hold meetings telephonically or electronically. It authorizes the County Administrator, in consultation with the Chairman, effectively to take any lawful and necessary actions to adjust our operations. Those actions would include things like shifting personnel between departments; shifting resources; and shifting funds, if necessary. The Ordinance does not address procurement. Procurement is already addressed in the Emergency Procurement section of our Procurement Ordinance. Council has already previously outlined when Emergency Procurements can happen. So, it is not included as a part of this Ordinance. The Ordinance also authorizes suspension of activities that we cannot sustain due to changing circumstances or absenteeism. As we have employees who have children that are now out of school, we have employees who are unable to come in to work. We also have employees who may have been proximate to someone who is believed to be COVID-19 positive. Those employees are in quarantine. As a result, we now have various levels of absenteeism within our operations. While all the absenteeism is legitimate, these things begin to have an operational impact that will necessitate the County to begin to shift people and resources around to make sure the most essential of services we offer to citizens can be sustained. The Ordinance, in a nutshell, offers latitude to do those things which are necessary to operate at an essential level. It is good for sixty (60) days under South Carolina Law. It expires on the sixty-first (61st) day.

Mr. Alverson stated that it is his commitment to make sure that all Council remains informed. Daily updates have been pushed out through our Situation Reports, and he has been keeping in contact with Council when things have changed. This Ordinance acknowledges that the situation may require quick action, and it lays out the avenue where quick action can be taken.

Mr. Britt stated that he has always prided himself on trying to operate like a business, even though it is hard to be a business and serve the public. Every business he knows of in Spartanburg, in South Carolina, and even in the southeast has this flexibility going into place now. Many companies are faced with this. A lot of employees are afraid to come to work. This Ordinance is no different than what any company is doing right now. Mr. Britt asked Mr. Alverson what has happened in the last 24 hours to

change our approach. Mr. Alverson stated that a number of things have changed. We have had confirmation of positive cases for employees at the Courthouse which necessitated some closure there in order to go through and do a deep cleaning to make sure everything is safe. We have also reported in the County our first death related to COVID-19. Our number of cases on a daily basis continues to increase which tells us the replication is happening a little more frequently as all the models have predicted. We have been advised by our hospital personnel to expect that the major influx of cases will occur around late April or early May. All those things indicate that we need to be changing and preparing our services to make sure that we can operate at an essential level to make sure we serve the fundamental functions that we as a County have to serve. Things like landfill collections, public safety, and all the things that we really have to do at the most core level of what we do to serve our public. Administration is trying to respond to and be prepared for this.

Mr. Britt stated that this Ordinance has nothing to do with curfews or gun restrictions. This is being proactive versus reactive. Mr. Lynch stated that they all took the oath to uphold the Constitution of this State and of the United States. They are conscious of this, and it is their pledge to this community that they will continue to uphold the constitution.

Mr. Farr asked Mr. Alverson to clarify the information on page 3 paragraph 2 of the proposed Ordinance. Mr. Alverson stated this reiterates and restates that Council through this action would encourage all citizens to vigorously follow the advice that has been put out by the Centers for Disease Control (CDC), the South Carolina Department of Health and Environmental Control (DHEC), the Governor's Office, and any other authorities to follow protocol to help slow the speed with which the virus is picking up in our community and to help in doing so flatten the curve for our healthcare workers who have limited resources, so they can manage the medical side of this. Mr. Farr stated that based update from the hospital last week, people need to practice good hygiene and stay home.

Mr. Brown stated that overriding the aspect of all this encompasses public safety and asked where we stand in regards to public safety. How prepared are we from a County prospective, and how have we been impacted? Mr. Alverson stated our fire service employees have some legitimate concerns, as do many public safety officers or members of the public safety community, that DHEC to date has not given us a good mechanism to be able to alert our First Responders of COVID-19 cases when they are both going to a location to help them, as well as if patients are later determined to be COVID-19 positive. A number of different agencies and organizations across the state have voiced those concerns to DHEC and to the Governor's Office. DHEC has offered up a database that our 9-1-1 Telecommunicators will be able to log into upon receiving a

call. There are a number of problems with this. The most fundamental of which is that the 9-1-1 Telecommunicators are already taxed in the number of tasks they have to do in a very short amount of time so as to be able to take the call, get the critical information, determine who under the protocol should be dispatched, and to get all the pertinent information to the Law Enforcement or First Responder recipient on the other end. Now DHEC's solution would be to simply have our 9-1-1 Telecommunicators, who are doing all those things while trying to answer other calls and dispatch and receive information back and forth, log into a database to see if someone has been COVID-19 positive. We have not as of yet received a good solution from DHEC. There is a lot of concern there. There is also concern regarding lack of information regarding an interaction with someone who is COVID-19 positive by a member of the fire service. One unique challenge they have is that they have volunteers, and they have fulltime or part-time staff, who are also staffed at other departments. So, an illness with one of those members could quickly become an illness across multiple organizations, and thereby inhibit their ability collectively to respond to fire calls, medical calls, traffic accidents, or any other calls. With the amount of PPE available, we do receive in PPE from the national stockpile reserve as well as donations. We are actively seeking to buy PPE where the supply chains will support it and to get those out to First Responders including fire, but the supply chain itself is limited. So, we are able to get some to everybody, but certainly not at the levels they would want and not at the levels we would want. Those are the primary areas they would see some concern.

Mr. Brown asked Chief Warren Ashmore about the way different departments can overlap to assist responding to calls and indeed have people that may work in the morning at one fire station and at another fire station at night. Chief Ashmore stated that they are trying to work on a contingency plan for the fire service just to handle some of those situations where if a case or something has been a concern at a different department, they are getting that information prior to that employee coming to their station. A lot of stations are testing their people before they come in the door and having certain protocol. If they do not meet certain parameters, they will go home as opposed to coming into the station. They are at that point where if this thing ramps up, they are going to have to have better communications amongst each department. Mr. Brown stated that DHEC is a partner, and they are not trying to isolate them or point out that they are a bad guy involved in trying to address this very novel issue. In terms of getting the information to the fire departments, there have been letters that have gone out statewide addressing this concern. Mr. Brown asked Chief Ashmore if he has any concerns as it relates to DHEC. Chief Ashmore stated they would not need a name, but if they could attach an address back to a call they have run it would be helpful. Most of them are putting in their data as to who

was on scene with them and what agencies were there. If it comes back to an address, they could capture all the people who were there at that emergency.

Mr. Britt stated that if a First Responder showed up at a house where someone had tested positive that they would tell you. Mr. Britt stated that he would be worried about the asymptomatic patients, and he would wear the PPE and treat everyone like they have it. Mr. Alverson stated that part of one of the Executive Orders that came out from the Governor requires that our 9-1-1 Telecommunicators ask certain questions on calls to include whether or not they have had symptoms relative to or indicative of COVID-19 sickness. We are trying to get information, but the danger is in the ones that are potentially asymptomatic, simply do not know they have it, or are awaiting tests and therefore cannot tell us whether or not they are positive.

Mr. Nutt thanked Mr. Alverson for keeping Council informed and told him that he has done a fantastic job. Mr. Nutt also thanked our County employees and recognized them for their efforts.

Mr. Britt asked Mr. Alverson if the Emergency Ordinance will give him the authority to shut the building down to the public. Mr. Alverson stated that in consultation with the Chairman, it would provide the authority to close the building to the public and also to go to the next tier of the Operations Plan for Pandemic Flu. Administration considers this to be one of those circumstances in which we would use this Plan. It would allow us to go to Essential Services only. We would begin to scale back some of our operations. Mr. Britt stated that he felt this should be done.

Mr. Mabry stated that he had a question regarding the Governor getting a little stricter and if Council would have to step the Ordinance up. Mr. Alverson stated the Emergency Ordinance has broad enough parameters that Council and the Administrator would be able to react to actions taken by the Governor. However, if not, the provisions are there to allow Council to meet electronically or telephonically to be able to make those decisions without having to be present potentially more quickly. In most cases, it would require a proper FOIA notice absent an emergency.

Mr. Farr stated the Governor had just issued a Shelter in Place Order. This happened in the News Conference taking place at the time of the Council meeting.

Mr. Britt stated the sooner we can let employees know about closing the County Administration Building the better. Mr. Alverson stated that in anticipation that Council would positively view this Ordinance and pass it, Administration gave our Department Heads notice that Council was

meeting at 4:00 p.m. to have them prepared. If Council chooses to pass the Ordinance, effective Tuesday morning, April 7, the County would switch over to Essential Services.

Mr. Brown asked Mr. Clay Allen as far as the way the Court is operating about the impact on our County Detention Facility. Mr. Allen stated that up until the week of April 6, they had some remote hearings in the General Sessions Court. They were planning on having it last Thursday when the Solicitors could not get back into their offices because of a positive test. Otherwise, they have been working with the Court to have Court and Emergency Bails. Family Court has been going on, but some concerns have been raised about this by some individuals in Columbia. This is in the process of being changed. Magistrates and Municipal Court Judges are following Chief Justice's directives as far as setting bonds. Mr. Allen thinks they have been working well with the Courthouse being closed.

Mr. Alverson stated part of the Orders given from the State is that we maintain openness for our Registration and Elections Office. This would be considered an Essential Service to the public. Mr. Henry Laye, Director, Voter Registration and Elections, stated that we have a Primary Election coming up on June 9, 2020. The in-person absentee voting will begin on May 11, 2020.

Motion made by Mr. Nutt to adopt an Emergency Ordinance making a Spartanburg County Council Declaration of a State of Emergency in Spartanburg County, South Carolina in response to the Public Safety and Health threat of the novel Coronavirus ("COVID-19"), effective April 6, 2020; and other matters relating thereto including implementation of measures dealing with the State of Emergency. Motion seconded by Mr. Walker and carried.

Meeting adjourned.

Spartanburg County Council

By: _____

A. Manning Lynch, Chairman

Attest:


Deborah C. Ziegler
Clerk to Council