



MINUTES
CITY OF GOOSE CREEK, SOUTH CAROLINA
SPECIAL CITY COUNCIL MEETING
TUESDAY, JUNE 25, 2020 – 5:30 PM
COUNCIL CHAMBERS – 519 N GOOSE CREEK BOULEVARD

Mayor/Council Present:

Mayor Gregory S. Habib
Mayor Pro Tem Kevin Condon
Councilmember Debra Green-Fletcher
Councilmember Christopher Harmon
Councilmember Corey McClary
Councilmember Gayla McSwain
Councilmember Jerry Tekac

Executive Staff:

City Administrator Natalie Zeigler
City Clerk Kelly J. Lovette
Public Information Officer Frank Johnson
Finance Director Tyler Howanyk
Police Chief LJ Roscoe

Press Present:

Channel 5 News

Guests Present:

None

PURSUANT TO THE FREEDOM OF INFORMATION ACT SC CODE 30-4-80: WRITTEN NOTICE WAS DELIVERED TO THE PRESS BY EMAIL ON THURSDAY, JUNE 25, 2020 AND DULY POSTED AT CITY HALL LOCATED AT 519 N GOOSE CREEK BOULEVARD, AN ACCESSIBLE FACILITY, AND ON CITYOFGOOSECREEK.COM

CALL TO ORDER:

Mayor Habib called the meeting to order at 5:30 pm and stated it was a special called meeting for city council to discuss the idea of wearing face masks.

Motion to amend the Agenda to allow for public comments: Councilmember Harmon; Second: Councilmember Tekac; Mayor Habib stated it was an oversight for placement on the Agenda; Motion carried: All in favor.

PUBLIC COMMENTS:

There were no comments from the public.

NEW BUSINESS:

Mayor Habib stated Councilmember McSwain asked for this meeting to take up the issue; therefore, City Council was presented with a proposed Ordinance.

AN EMERGENCY ORDINANCE TO REQUIRE FACE COVERINGS IN CERTAIN CIRCUMSTANCES; TO REAUTHORIZE AND AMEND THE AUTHORIZATION FOR ELECTRONIC MEETINGS; AND OTHER MATTERS RELATED THERETO

Motion: Councilmember Harmon; Second: Councilmember McSwain

Councilmember Harmon stated his concerns regarding why he is in favor of wearing face masks to protect the residents of Goose Creek against COVID 19. He stated in a perfect world the Federal and State government institute the policy so we could all be in a continuum but that has not happened. Councilmember Harmon continued to explain his reasons for supporting the need to wear masks.

Councilmember McClary inquired if there was any word about the Governor of South Carolina issuing a mandatory issuance of wearing masks statewide. Mayor Habib stated the Governor has not made any indication that he is interested in doing that at this point in time, and Governor McMaster tends to be a strict constitutionalist and does not believe that he has the authority to do some of the things within the Constitution. He does not like to give orders that restrict personal freedoms on these kinds of things, and he has been pretty consistent about his feelings on the matter. Discussions continued amongst Mayor Habib and City Council as it related to working with the City's local State representatives, regarding protecting the public, the spread of the disease and the local economy.

Councilmember Green-Fletcher stated we are in a health crisis, there is no doubt about that and anything City Council can do to help stop the spread of it, is very important. She stated she felt South Carolina was not taking the lead, unlike North Carolina and Virginia at the state level. She elaborated on the enforceability of the proposed Ordinance and felt it would be difficult to do so. She stated she felt it was the responsibility of everyone, including parents of children, to make sure they remain safe. Councilmember Green-Fletcher stated she wears a mask and she is in favor of the wearing of one, but due to some of the language within the proposed ordinance, she felt more discussion was needed in order to figure out how it could be enforced; however, she was more for a campaign wherein people would be asked to wear a mask, even more through social media and by way of using signs.

Councilmember McSwain inquired if Mayor Pro Tem Condon and Councilmember Tekac has an opinion on the subject. Mayor pro Tem Condon stated he did not feel it was the City's place to dictate to businesses that masks be worn and that it should be up to the business if they would require their customers to wear masks based on their policy. He stated he felt the City's Police Department has more important things to do than to chase around people who refuse to wear a mask. He stated his family wears them because they have family members they interact with and they do everything to keep them healthy and safe and we feel like everyone should take personal responsibility to do the same, and not require City Council to dictate it to them.

Councilmember Tekac said he pretty much shares the same sentiments as Mayor Pro Tem Condon and the proposed Ordinance is poorly written, very restrictive and he felt this was a knee jerk reaction to a very bad situation that needs more time to be reviewed. He stated he does not feel this is an Ordinance that can easily be enforced and he does not want the Police Chief having her officers walking into public places handing out citations. He stated he wears a mask when he goes out in public and he has seen more people currently wearing a mask now than he has ever seen.

Councilmember Tekac stated he does believe it is a pandemic, that it is highly contagious, but it is also your personal responsibility to wear a mask and he is not in favor of the government overreaching, particularly the way it is written in the proposed Ordinance.

Councilmember McSwain stated just to be clear, she did not request a special meeting so soon, this meeting was called for by Mayor Habib. She stated the proposed Ordinance could always be tabled and she would like to have the opinion of City staff, and they just received the Model Ordinance from the Municipal Association of South Carolina and perhaps City Council should look at it, as she actually likes it much better than the one drafted by the City's attorney, as of yesterday. Councilmember McSwain inquired of Mrs. Zeigler her thoughts on the two (2) documents. Mrs. Zeigler stated the model Ordinance came out at 4:30 pm today and she has not had the opportunity to compare the two (2) documents.

Note: There was never a call for the vote of Councilmember Harmon's motion.

Councilmember McSwain made a motion to table the proposed ordinance. There was no second, as Councilmember Harmon requested to comment, and discussions ensued. Motion failed.

Councilmember Harmon stated within the constitution it says it is the responsibility of the government body to protect the health and general welfare of its people and it should be the Mayor's and City Council's number one priority. He stated he did not believe they should necessarily write citations to people; however, he believes showing the public they are serious about the matter and passing an Ordinance is vital to the health and well being of their residents and that is their job, their core job as members of City Council, as a Governor and as a President. He stated the time of delaying the review of the proposed Ordinance causes cases to rapidly increase. He stated he agreed that wearing a mask outside may not be appropriate and some things could maybe be refined, but instead is definitely important and he requested City Council to take that into consideration.

Councilmember Harmon made a motion to amend the proposed Ordinance to remove the mandate to wear a mask outside, and only be required to be worn inside public buildings. At this time there was no second to the motion, as discussions ensued between Mayor Habib and City Council.

Mrs. Zeigler apologized for the interruption and stated there was never a second on the motion to amend by Councilmember Harmon. Councilmember McSwain seconded the motion. There was some discussion concerning which section of the proposed ordinance would specifically be amended. Councilmember Harmon reiterated that his original motion, as well as his amended motion to specifically make the recommended changes to Section 3, to remove the outdoor requirements for a face mask. Councilmember McSwain seconded the motion. Discussion took place regarding differences between a Resolution and an Ordinance and the weight both carries. There was no vote to the motion made by Councilmember Harmon. Motion failed.

Mayor Pro Tem Condon made a motion to close discussion on the proposed Ordinance. There was no second as discussion ensued amongst City Council regarding what other states were doing and the new number of COVID cases that day, within the State of South Carolina in Berkeley County.

Councilmember Tekac stated in one (1) day, the number of cases was up 1,106 in the State of South Carolina, and up by 58 in Berkeley County.

For the record, the following roll call pertained to Councilmember Harmon's amended motion to Section 3 of the proposed ordinance.

Councilmember Tekac – No
Councilmember McSwain – Yes
Mayor Pro Tem Condon – No
Councilmember Harmon - Yes
Councilmember McClary – Yes
Councilmember Green-Fletcher - No
Mayor Habib – No

Motion failed: Four (4) no; three (3) Yes.

Mayor Habib stated if City Council was interested in considering a Resolution, he had one prepared that would at least show they all take the situation seriously, that they do care and they would like for people to follow the rules and take care of one another.

Motion was made to Amend the Agenda by adding the Resolution. Motion: Councilmember McClary; Second: Councilmember Green-Fletcher; Motion carried: All in favor.

Mayor Habib read the title to the proposed Resolution in its entirety.

AN EMERGENCY RESOLUTION TO ENCOURAGE FACE COVERINGS IN CERTAIN CIRCUMSTANCES AND OTHER MATTERS RELATED THERETO

Motion: Councilmember McClary; Second: Councilmember Green-Fletcher; Motion carried: All in favor.

Adjourn:

Motion: Mayor Pro Tem Condon; Second: Councilmember Harmon; Motion carried: All in favor. (6:54 p.m.)

Kelly J. Lovette, MMC
City Clerk

Date: August 11, 2020