



CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA
North Myrtle Beach City Hall
Emergency City Council Virtual Meeting Agenda
Wednesday, May 13, 2020 - 11:00 AM

1. Call To Order
Roll Call
2. Business
To discuss the City's ongoing response to COVID-19 and the current state of emergency.
 - A. Declaration of State of Emergency
 - B. Emergency Ordinance Extension

Documents:

[EMERGENCY ORDINANCE EXTENSION.PDF](#)
[DECLARATION OF STATE OF EMERGENCY.PDF](#)

3. Adjournment

Note: Meeting may be [viewed on YouTube](#) at 11:00 AM.

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 emergency declaration is set to expire at midnight on May 14, 2020; 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 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, 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.

**AND IT IS SO ORDAINED, ENACTED AND ORDERED.
Dated this 13th Day of May, 2020.**

North Myrtle Beach City Council

Marilyn Hatley, Mayor

On behalf of the entire North Myrtle Beach City Council.

YES	NO	NOT PRESENT	
___	___	_____	TERRY WHITE
___	___	_____	ROBERT J. CAVANAUGH
___	___	_____	HANK THOMAS
___	___	_____	J.O. BALDWIN
___	___	_____	FRED COYNE
___	___	_____	NIKKI FONTANA

DECLARATION OF STATE OF EMERGENCY FOR NORTH MYRTLE BEACH

WHEREAS, The World Health Organization declared COVID-19 (a novel, serious and highly contagious and deadly respiratory disease) a Public Health Emergency of International Concern on January 30, 2020, the United States Department of Health and Human Services declared a Public Health Emergency related to the COVID-19 outbreak on January 31, 2020, and the World Health Organization officially declared a pandemic due to COVID-19 on March 11, 2020; and

WHEREAS, globally there have been over four million, two hundred and ninety-six thousand confirmed cases to date, with over two hundred and eighty nine thousand deaths; and

WHEREAS, all states in our country have COVID-19 spread with a continued increase in new cases anticipated. Currently, there are 7,792 confirmed cases in the State of South Carolina, with 346 deaths; and

WHEREAS, currently 267 cases are located in Horry County. In addition, due to the ordinary influx of large numbers of visitors to our area, and travel by those who live, work, and/or attend school here, it is anticipated that additional cases may appear within North Myrtle Beach, especially as business reopening occurs; and

WHEREAS, several states have declared states of emergency to take proactive steps to prevent and prepare for the spread of this disease; and

WHEREAS, at approximately 3:30 p.m. on March 13, 2020, the President of the United States declared a national state of emergency, opening up access to large amounts of emergency federal funding, requesting states and hospitals to activate their emergency action plans, limiting visitation to nursing homes and assisted living facilities, relaxing certain health laws and rules to facilitate appropriate responses to the emergency, and expanding testing availability; and

WHEREAS, the Governor of South Carolina announced that he had declared a state of emergency for South Carolina, closing all schools throughout the state, directing that State government offices remain open but that visitation at correctional facilities, nursing homes and assisted living facilities (excepting end of life situations) be suspended and ordering the State's Emergency Operations Plan activated; he has requested federal assistance for small businesses, and has asked the Legislature to appropriate additional dollars to address the emergency; and

WHEREAS, COVID-19 poses a significant public health threat for infectious disease spread to our residents and visitors, with detrimental effects on the economy and the provision of public services in North Myrtle Beach; and

WHEREAS, North Myrtle Beach City Council believes that an emergency has been created by this extraordinary health event, creating a menace to the preservation of public peace, safety, security, health and welfare, requiring that the City of North Myrtle Beach take timely precautions to protect people and communities and the general health and welfare of the residents of and visitors to the City of North Myrtle Beach, to mitigate the effects of such an event, and to prepare

for and contend with the resources of the City in responding to the event (services, personnel, equipment, facilities) being taxed to their limit; and

WHEREAS, 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, consistent with the findings set forth in section 44-4-110 of the South Carolina Code of Laws, as amended, the different and additional public health threats posed by COVID-19, as well as the significant economic and other impacts associated with the same, "require the exercise of extraordinary government functions ... to respond, rapidly and effectively" to the evolving emergency currently facing the entire State; and

WHEREAS, the City of North Myrtle Beach must continue to utilize extraordinary measures and deploy substantial resources to meet the unprecedented threat posed by COVID-19 and the evolving and expanding nature and scope of this unprecedented public health emergency, while also addressing the significant economic impacts and other consequences associated with this pandemic; and

WHEREAS, for the aforementioned and other reasons, and in recognition and furtherance of the undersigned's responsibility to provide for and ensure the health, safety, security, and welfare of the City of North Myrtle Beach, the undersigned has determined- based on recent developments, new facts, changing conditions, and the previously unforeseen occurrence of a combination of extraordinary circumstances- that an effective response to the ongoing COVID-19 pandemic, including the different, additional, and intensifying threats cited herein, represents and requires a new and distinct emergency, which warrants further proactive action by the State of South Carolina and the implementation and enforcement of additional extraordinary measures to address the same; and

WHEREAS, the Governor of South Carolina, pursuant to the Constitution and Laws of this State and the powers conferred upon him therein, declared in Executive Order No. 2020-29 that a State of Emergency exists in South Carolina. That the state must take additional proactive action and implement further extraordinary measures to respond to the evolving public health threat posed by the COVID-19 pandemic and to otherwise respond to and mitigate the significant economic impacts and other consequences associated with the same; and

WHEREAS, the Governor of South Carolina declared that the provisions of the following Orders shall remain in full force and effect for the duration of the State of Emergency, unless otherwise modified, amended, or rescinded below or by prior or future Order: Executive Order Nos. 2020-09, 2020-10, 2020-11, 2020-12, 2020-13, 2020-14, 2020-16, 2020-18, 2020-19, 2020-21, 2020-22, 2020-25, and 2020-28; and

WHEREAS, North Myrtle Beach City Council finds that a State of Emergency should continue to exist throughout the reopening period of businesses within the City.

NOW, THEREFORE, 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: May 13, 2020