



## **TOWN OF YEMASSEE TOWN COUNCIL MEETING**

**Tuesday, March 9, 2021 – 6:30PM**

### **ELECTRONIC MEETING**

Town of Yemassee YouTube Channel - <https://bit.ly/3rOzk6P>

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- I. Call to Order – Mayor Colin Moore**
- II. Pledge of Allegiance & Invocation**
- III. Determination of Quorum**
  - a. Consent of the Agenda for the March 9, 2021 Town Council Meeting
  - b. Approval of the February 9, 2021 Town Council Meeting Minutes
  - c. Approval of the February 15, 2021 Special Town Council Meeting Minutes
- IV. New Business**
  - a. Consideration of a Request for an Ordinance Approving Annexation of Approximately 4.50 Acres of Land, located at 225 Bailey Road, and further identified by Beaufort County TMS: R700 019 0000 0064 0000. [Ordinance 21-07]
  - b. Renewal of a Proclamation of a Local State of Emergency in the Town of Yemassee, South Carolina.
  - c. Consideration of an Emergency Ordinance Extending the Requirement for Individuals to Wear Face Coverings in Certain Circumstances in light of the COVID-19 Pandemic; and matters related thereto; and severability. [Emergency Ordinance 21-08]
  - d. Consideration of an Emergency Ordinance Renewing the Standards for Electronic Meetings in the Town of Yemassee, and severability. [Emergency Ordinance 21-09]
  - e. Consideration of an Emergency Ordinance Suspending the Normal Operating Procedures of the Town of Yemassee, and to Authorize the Town Clerk to Develop and Enact any Plans or Policies needed to Ensure the Continuity in the Delivery of Government Services in light of the

“FOIA Compliance – Public notification of this meeting has been published and posted in Compliance with the Freedom of Information Act and the Town of Yemassee policies.”

- Please note that each member of the public may speak during the Public Comment period at the end of the meeting. A Public Comment form must be filled out and submitted to the Town Clerk prior to the start of the meeting. Public comment must not exceed two (2) minutes.

ongoing COVID-19 Pandemic; and severability. [Emergency Ordinance 21-10]

- f. Consideration of a Resolution Ranking the needs of the Town of Yemassee subsequent to the annual CDBG Needs Assessment. [Resolution 21-16]

**V. Department Reports**

- a. **Police Department**
- b. **Administration**
- c. **Municipal Court**
- d. **Public Works**

**VI. Public Comment**

- a. Public Comment must be submitted by e-mail to the Town Clerk prior to the start of the meeting.

**VII. Adjournment**

"FOIA Compliance – Public notification of this meeting has been published and posted in Compliance with the Freedom of Information Act and the Town of Yemassee policies."

- Please note that each member of the public may speak during the Public Comment period at the end of the meeting. A Public Comment form must be filled out and submitted to the Town Clerk prior to the start of the meeting. Public comment must not exceed two (2) minutes.

**Minutes**  
**Town of Yemassee Town Council**  
**February 9, 2021 Town Council Meeting; 6:30PM**  
101 Town Cir, Yemassee, SC 29945

**Attendance:**

Present: Mayor Colin Moore, Mayor Pro-Tem Peggy O'Banner, Councilmember Alfred Washington, Councilmember Charlie Simmons, Councilmember Michelle Hagan, Town Clerk Matthew Garnes, Town Attorney Tom Johnson, Town Auditor William Hancock and Police Chief Gregory Alexander.

Absent:

Media Present: Lowcountry Inside Track Ltd.

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**Call to Order:**

Mayor Moore called the Tuesday, February 9, 2021 Town Council Meeting to order at 6:30PM.

**Pledge of Allegiance & Invocation:**

Council Member O'Banner gave the invocation and lead the Pledge of Allegiance.

**Consent of the Agenda:**

Mayor Moore asked for a motion to approve the Agenda as presented. Council Member O'Banner made the motion. There was no discussion on the motion. Second by Council Member Simmons, all in favor. **Motion Passed**

Mayor Moore asked for a motion to approve the January 12, 2021 Town Council Meeting Minutes. Council Member Hagan made the motion to approve as presented. There was no discussion. Second by Council Member O'Banner. All in favor. **Motion Passed.**

**Public Hearing:**

Jessica Dailey from Lowcountry Council of Governments conducted the annual Town of Yemassee 2021 Needs Assessment. Council will proceed to rank the needs and have them ready to be approved by Resolution at the next regularly scheduled Town Council Meeting.

## **Presentations:**

Mr. William Hancock of The Brittingham Group, LLP. Presented the findings of the 2020 Fiscal Year Audit.

## **New Business:**

Mayor Moore read proposed Ordinance 21-04, Consideration of an Ordinance Approving Annexation of One Parcel of land, totaling 2.01 Acres located at 220 Cochran Street, Hampton County TMS: 198-00-00-255. The applicant is Joel Campbell, the property currently holds one single-wide mobile home. The parcel is currently zoned General Development by the Hampton County Zoning Ordinance. There is no proposed change in use because of the annexation. Mayor Moore asked for a motion to approve first reading. Council Member Simmons made the motion. There was no discussion. Second by Council Member Washington. All in favor, **Motion Passed.**

Mayor Moore read proposed Ordinance 21-05, Consideration of an Ordinance Approving Annexation of Two Parcels of land, totaling 1486.84 Acres located at 300 Cotton Hall Road & 401 Trask Pkwy, Beaufort County TMS: R700 012 000 0001 0000 and R700 013 000 0001 0000. The applicant is Sharon Mansell on behalf of The Tomotley Crew, LLC. The properties are commonly known as Cotton Hall & Tomotley Plantations and a conservation easement is in effect for most of the property. The parcels are zoned T2R for most of it and Sheldon-Big Estate Community Preservation District under the Beaufort County Development Code. Mayor Moore asked for a motion to approve first reading. Council Member Hagan made the motion. There was no discussion. Second by Council Member O'Banner. All in favor, **Motion Passed.**

Mayor Moore read proposed Ordinance 21-06, Consideration of a Text Amendment to the Town of Yemassee Code, Chapter 5, Section(s) 5.601 through 5.634, Specifically the amending of references of other code sections within Chapter 5, which provide updates to the National Floodplain Insurance Program (NFIP) and FEMA,s re-evaluation of flood hazards within the Town of Yemassee reflected in updated Flood Insurance Rate Maps. Mr. Garnes advised the Council that the update takes into account the most reliable data for mapping for Hampton County. Mayor Moore asked for a motion to approve first reading. Council Member O'Banner made the motion. There was no discussion. Second by Council Member Hagan. All in favor, **Motion Passed.**

Mayor Moore advised that he has multiple resolutions authorizing the execution of Intergovernmental Agreements for Law Enforcement Services between the Yemassee Police Department and the City of North Charleston, Town of Hampton, Town of Varnville, Town of Estill, Town of Ridgeland, City of Hardeeville, Town of Bluffton, Town of Port Royal and the City of Beaufort. Council Member O'Banner made the motion to

approve all Resolutions authorizing execution of all the Intergovernmental Agreements. There was no discussion. Second by Council Member Hagan. **Motion Passed.**

### **Department Reports**

Police Department – No Report

Administration – The Town has renewed 105 business licenses for calendar year 2021. The Town is continuing to roll out trash cans at the rate of twelve per month. We've finished Zone A and have begun moving into Zone C. 7 Permits were issued in January. We have a COVID-19 testing event tomorrow at the Community Center and then one at the end of the month on the 26<sup>th</sup>. We are working with SC DHEC to become a Point of Distribution for vaccines as that becomes available.

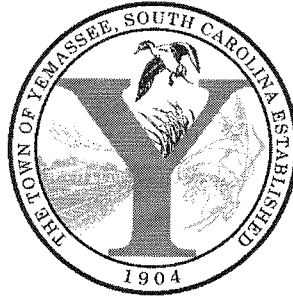
Public Works – None

Municipal Court - None

**Public Comment:** Mayor Moore said there were multiple public comments regarding U.S. Iron Works on Willis Street North. (PUBLIC COMMENTS HAVE BEEN ATTACHED AS OFFICIAL RECORD OF MINUTES)

### **Adjournment**

Mayor Moore asked for motion to adjourn. Council Member Simmons made the motion to adjourn. Second by Council Member O'Banner. All in favor, **Meeting Adjourned at 7:35PM**



PUBLIC COMMENT FORM

Name: Michael Weiss

Address: 64 Cameron Dr. Yemassee, SC 29945

Matter to be discussed:

US Iron Works - 76 Willis St. N. Yemassee SC.  
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\_\_\_\_\_  
\_\_\_\_\_  
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**Public comment is limited to two minutes in length. Public Comment forms must be submitted to the Town Clerk prior to start of the meeting. Please address the Council, Staff and attending public with respect.**

To the Yemassee Town Council,

My wife and I have lived in Yemassee since 2008 within the quiet area of Lanewood Estates on Cameron Drive. I since have retired from the United States Marine Corps, and would like to make Yemassee our forever home. Our quiet has been upended in January, 2021 with US Iron Works moving onto an adjacent property, and conducting business sometimes less than 100 feet from my property line.

My concerns about US Iron Works conducting business is not merely the fact of sound that can be heard from inside my home, but the health and welfare of my family and neighbors as unidentified smells blow across my property while US Iron Works conducts business. At times, the unidentified smell is extremely strong, and makes it impossible to enjoy my own back yard. I was notified by Matt Garnes that I am smelling diesel fumes, and if true, I am still concerned as long term exposure to diesel fumes may lead to serious health issues.

Both of my complaints are clearly identified by the Town of Yemassee Zoning Ordinance under the Light Industrial District section. US Iron Works is leasing the land zoned for Light Industrial. I have been communicating my issues with Matt Garnes in hopes to understand how this company can break zoning ordinance, and he is asking for my complete patience while the town of Yemassee addresses the issues. The Yemassee zoning ordinance prohibits sound and smell to leave the property line from where business is being conducted. Yet according to Matt Garnes, US Iron Works has been given a green light to conduct business, and I cannot understand how this is possible with this company violating Yemassee zoning ordinance.

My patience is wearing thin, and I do not feel that the Town of Yemassee truly has my best interests by letting US Iron Works conduct business with sound and smell abatement as an afterthought. I feel the Yemassee Town Council must take an in-depth look into US Iron Works prior to voting on this matter. I have many videos taken from my back yard, and would like to have the opportunity to share them with you. I had asked Matt to forward an email to the Yemassee Town Council, but I am unsure if the council has received them.

I thank you for your time,

Michael Weiss



PUBLIC COMMENT FORM

Name: Heather Weiss

Address: 64 Cameron Drive, Yemassee, SC

Matter to be discussed:

US Iron Works  
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\_\_\_\_\_  
\_\_\_\_\_  
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To the Yemassee Town Council,

This address is concerning the excessive noise pollution and smells being perpetrated by US Iron Works.

My family and I chose Yemassee, SC as our retirement place, post-Marine Corp. retirement, because of the people here, the beauty of the place, and the peacefulness of the area. We have stayed here 12 years, despite the distance from our work, and even moving my parents here, for these same reasons of atmosphere.

That ended in January 2021 when US Iron Works moved in and created an environment that has shattered that peace and tranquility. Relaxing in our backyard is impossible for sounds coming from US Iron Works are ear piercing, jarring, and almost deafening at times. Our dogs have become skittish about sound and going outside. The smell of diesel and hydraulic fluid being bellowed into my yard at times is alarming as it chokes me into coughing fits while outside in open air. As I work from home currently because of COVID, this noise level affects my work life, as the sound is sometimes so loud it moves through my house, sets the dogs off, and disrupts my work.

This is further complicated by the fact that I have been deemed legally blind by the state of South Carolina, and work hard to keep employed despite my disability which is difficult, and causes sensitivity to sound and smells, which causes migraines. All worse of late because of US Iron Works not abiding by the light industrial ordinances and laws that govern and protect residential areas (and their citizens) from such disturbances. It does more than just “create a little noise” or “a little smell”, but alters entire lifestyles, jobs, and productivity, and infringes even more heavily on those less abled than others.

A business does not have the right to infringe upon the health, happiness, and well-being of the residents of the town, and I assume that is the purpose of the zoning in the first place, and I hope the council keeps that in mind when making a decision about US Iron Works moving forward.

Thank you for your time,

Heather Weiss



PUBLIC COMMENT FORM

Name: Charles Davis

Address: 50 Cameron Dr, Yemassee, SC

Matter to be discussed:  
US Ironworks  
\_\_\_\_\_  
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To the Yemassee Town Council,

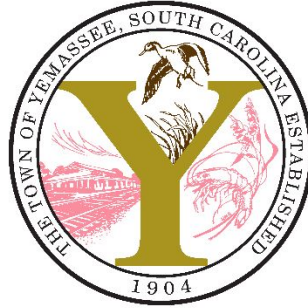
I live on Cameron Drive. I have noticed chemical- like smells on some occasions that were not here before US Iron Works came. One day in particular (which was corroborated by other neighbors as coming from the US Iron Works), the smell was so strong that as I went to my mailbox it made me feel ill. When I came back into my house, I turned on my AC thinking it would help as I could smell it even inside from having opened the doors. That made it worse because of the intake. It took several hours for the smell to fully dissipate. I called one of my neighbors to see if they noticed the smell, and they did as well. It was very strong, as if something chemical was burning, and not just diesel, which I also smell from time to time.

It seems that a business like US Iron Works should not be operating so close to a tightly packed residential area when the nature of their business with such noise and whatever chemical/gasses/fluids they use can cause so much turmoil and potential health hazards to its neighbors.

I hope the council will consider the appropriateness of this type of business in the place where it is and not let it continue without changes.

Thank you,

Charles Davis



## PUBLIC COMMENT FORM

Name: Ryan Paiva

Address: 62 Cameron Drive, Yemassee, SC

Matter to be discussed: Please see attached below.

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**Public comment is limited to two minutes in length. Public Comment forms must be submitted to the Town Clerk prior to start of the meeting. Please address the Council, Staff and attending public with respect.**

Dear Council Members,

My name is Ryan Paiva, and I've been a resident of Yemassee since this last November. We love this town already and look forward to staying here for many years and actively participating in helping our town in any way that we can; however, these past few weeks have left us questioning our decision to move here:

The US Ironworks Company, which is illegally processing mill scrap salvage at 76 Willis St. North, is causing a daily, persistent interruption of our lives with use of heavy machinery, creating noise that permeates our homes and causes the air in our yard and homes to smell and taste of diesel exhaust in a zone that specifically prohibits all of these activities. We are raising these concerns with the town council today because our concerns and reports with video evidence constituting a nuisance as defined by town code and zoning ordinance sent to the town clerk have not been addressed.

The primary ordinances in present and ongoing nuisance violation by the business include but are not limited to:

1. DSOR Section 4.20.E, F, and J which classifies salvage material yards, or the emission of toxic gases, or noise levels in excess of 60 decibels measured at the property line to be Hazard Nuisances requiring special permit prior to operation.
2. ZO Section 5.8.1 which specifically excludes the use of heavy machinery in the Light Industrial District as part of the spirit and purpose of the LID existing at all. The primary operation of this business requires the extensive use of heavy machinery including a loader, electromagnet excavator, and conveyor system.
3. ZO Section 5.8.2-3 which does not list metal scrap processing as a permitted activity in the Light Industrial Zone, goes further to forbid metal scrap processing even under conditional allowance due to it being explicitly forbidden in section 5.8.4. Conditional allowance goes further to specify that metalworking for light assembly such as making furniture or computer equipment must be done with light-duty hand tools and only with a finished, previously prepared product.
4. ZO Section 5.8.4 which explicitly forbids production of primary commodities from raw materials specifically including metals. This section goes further to forbid primary operations that deal with substances that are known to the USEPA as toxic substances. Mill scrap is known to the USEPA and OSHA to contain lead and mercury which causes brain damage and birth defects.
5. ZO Section 5.8.5 which prohibits operations within 100 feet of a residence. I have personally witnessed and recorded heavy machinery in operation within 10 feet of my neighbor Mr. Weiss's home.
6. ZO Section 5.8.6 which requires salvage to be contained indoors and for noise, vibration, and odor to not create a nuisance beyond the property boundaries. Salvage is being dumped directly on the ground, and the noise, vibration, and odor is not only leaving their property but can be heard, felt, and smelt inside our homes.

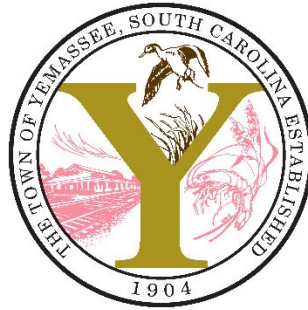
7. ZO Section 7.3.1.a which prohibits the zoning board from granting a variance which would be to allow the establishment of a use not otherwise permitted in a zoning district.

Supporting documentation and sources can be provided to the town council upon request.

Since no permit has been granted yet, and since the business has not purchased the land and owns no property in Yemassee, and since the business is already in violation of our code and ordinances prior to being allowed by legal means to conduct business at all, it seems reasonable to simply ask the business to relocate to a different location where it would not be in violation. We believe it is reasonable for us to ask the town to enforce its existing laws, and if there exists a goal to create jobs in Yemassee, that a chamber of commerce or economic development be formed on which I would be happy to volunteer. I currently run a stable technology business with 10 employees and am happy to work with the town to mentor any process to create the type of jobs that the Light Industrial District was intended for.

Sincerely,

-Ryan Paiva



### PUBLIC COMMENT FORM

Name: M. Hala Paiva

Address: 62 Cameron Drive, Yemassee, SC

Matter to be discussed: Please see attached below.

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Dear Council Members,

My name is Hala Paiva, and I am an Olympic hopeful who recently moved to Yemassee.

Health is extremely important not only for my life but also my career as a professional athlete. A major deciding factor in my move to Yemassee was its peaceful rural setting, getting away from pollution. Unfortunately now it's next door to our home, affecting my husband and my own physical and mental health.

When outside, I can both hear the machinery and smell the diesel fumes as we are downwind. This not only makes spending time outside unpleasant, it harms our garden where most of our produce will be sourced from. The exhaust also prevents pollinators from finding flowers and as a consequence we can lose our food.

Additionally, the runoff from the dumping of salvage on the ground containing heavy metals can get in our stormwater ditch which we use in our garden for irrigation. The contamination could have extreme negative consequences on our plants.

When inside, we can hear the Ironworks operations throughout our home. We hear it in our bedroom, as well as in my husband's office. He works remotely from home and it is disruptive to his work.

I would like to see this business relocate to somewhere with the appropriate zoning, and a different business that doesn't violate the zoning ordinance could be there instead. The zoning laws in Yemassee are good and protect us from these kinds of hazards, and we want the town to enforce them.

Sincerely,

- M. Hala Paiva



**Re: Tonight's town meeting**

Matthew Garnes <mattgarnes@townofyemassee.org>

Tue 2/9/2021 15:31

To: Mike <tmtollison@yahoo.com>

Thank you.

**Respectfully Submitted,****Matthew Garnes****Town Clerk**

P.O. Box 577

Yemassee, SC 29945-0577

Office: (843) 589-2565

Fax: (843) 589-4305

***The Focal Point of the Four Counties***

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**From:** Mike <tmtollison@yahoo.com>

**Sent:** Tuesday, February 9, 2021 15:31

**To:** Matthew Garnes <mattgarnes@townofyemassee.org>

**Subject:** Re: Tonight's town meeting

54 Cameron Drive

Sent from my iPhone

On Feb 9, 2021, at 3:10 PM, Matthew Garnes <mattgarnes@townofyemassee.org> wrote:

Attention! Effective January 13, 2021 we closed the Yemassee Municipal Complex for public access until further notice due to the COVID-19 pandemic. Please visit our website at

<https://www.townofyemassee.org/> for more information. Most in-person functions such as paying traffic tickets and court fines, remitting Business License and Hospitality Tax payments, and even applying for a Building Permit may all be completed on our website. Staff remain working in the office and are available at 843.589.2565 Monday - Friday.

Thank you Mr. Tollison. Can I please have your address for the record and I will include this in the Public Comment section

**Respectfully Submitted,**

**Matthew Garnes**

**Town Clerk**

P.O. Box 577

Yemassee, SC 29945-0577

Office: (843) 589-2565

Fax: (843) 589-4305

***The Focal Point of the Four Counties***

<Outlook-yqxvardl.jpg>

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**From:** Mike <tmtollison@yahoo.com>

**Sent:** Tuesday, February 9, 2021 15:09

**To:** Matthew Garnes <mattgarnes@townofyemassee.org>

**Subject:** Tonight's town meeting

Mr. Garnes,

I am concerned with the noise from the business that is off Willis by the railroad tracks. It appears to be a small operation at this time, but I understand that the company is planning on growing. If the business grows, the noise will be louder affecting more of our neighbors on Cameron Drive. I hope this matter will be addressed at the town meeting tonight.

Sincerely,

T. M. Tollison

Sent from my iPhone

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**Minutes**  
**Town of Yemassee Town Council**  
**February 15, 2021 Special Town Council Meeting; 5:00PM**  
101 Town Cir, Yemassee, SC 29945

**Attendance:**

Present: Mayor Colin Moore, Mayor Pro-Tem Peggy O'Banner, Councilmember Alfred Washington, Councilmember Michelle Hagan, Town Clerk Matthew Garnes, Town Attorney Tom Johnson and Police Chief Gregory Alexander.

Absent: Councilmember Charlie Simmons

Media Present: Lowcountry Inside Track Ltd.

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**Call to Order:**

Mayor Moore called the Monday, February 15, 2021 Special Town Council Meeting to order at 5:00PM.

**Pledge of Allegiance & Invocation:**

Council Member O'Banner gave the invocation and lead the Pledge of Allegiance.

**Consent of the Agenda:**

Mayor Moore asked for a motion to approve the Agenda as presented. Council Member O'Banner made the motion. There was no discussion on the motion. Second by Council Member Washington, all in favor. **Motion Passed**

**Old Business:**

Mayor Moore read proposed Ordinance 21-04, Consideration of an Ordinance Approving Annexation of One Parcel of land, totaling 2.01 Acres located at 220 Cochran Street, Hampton County TMS: 198-00-00-255. The applicant is Joel Campbell, the property currently holds one single-wide mobile home. The parcel is currently zoned General Development by the Hampton County Zoning Ordinance. There is no proposed change in use because of the annexation. Mayor Moore asked for a motion to approve second and final reading. Council Member Washington made the motion. There was no discussion. Second by Council Member Hagan. All in favor, **Motion Passed.**

Mayor Moore read proposed Ordinance 21-05, Consideration of an Ordinance Approving Annexation of Two Parcels of land, totaling 1486.84 Acres located at 300 Cotton Hall Road & 401 Trask Pkwy, Beaufort County TMS: R700 012 000 0001 0000

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Mayor Moore read proposed Ordinance 21-06, Consideration of a Text Amendment to the Town of Yemassee Code, Chapter 5, Section(s) 5.601 through 5.634, Specifically the amending of references of other code sections within Chapter 5, which provide updates to the National Floodplain Insurance Program (NFIP) and FEMA,s re-evaluation of flood hazards within the Town of Yemassee reflected in updated Flood Insurance Rate Maps. Mr. Garnes advised the Council that the update considers the most reliable data for mapping for Hampton County and formally adopting those FIRM maps. Mayor Moore asked for a motion to approve second and final reading. Council Member O'Banner made the motion. There was no discussion. Second by Council Member Hagan. All in favor, **Motion Passed.**

Mayor Moore advised that he has additional resolutions (Resolutions 21-12, 13, 14 & 15) authorizing the execution of Intergovernmental Agreements for Law Enforcement Services between the Yemassee Police Department. These include four County Sheriff Offices: Beaufort, Colleton, Hampton & Jasper. Council Member Washington made the motion to approve all Resolutions authorizing execution of all the Intergovernmental Agreements. There was no discussion. Second by Council Member O'Banner. **Motion Passed.**

**Public Comment:** One public comment from Jessie White, Coastal Conservation League (See attached)

### **Adjournment**

Mayor Moore asked for motion to adjourn. Council Member O'Banner made the motion to adjourn. Second by Council Member Hagan. All in favor, **Meeting Adjourned at 5:17PM**



2/15/21  
 Yemassee Town Council  
 Attn: Town Clerk, Mr. Matthew Garnes

## Dear Council Members,

Thank you for this opportunity to comment on behalf of the Coastal Conservation League regarding the requested annexation of both Cotton Hall and Tomotely Plantation, comprising almost 1500 acres located at 401 Trask Pkwy and 300 Cotton Hall Rd.

Both properties before you tonight are undeveloped areas representing historical and culture significance, maintaining high-quality natural resources, and surrounding Huspah creek, which flows into the Port Royal Sound. While Tomotely Plantation is already under a conservation easement such that it is perpetually protected from development, Cotton Hall is not similarly protected and currently lacks its own conservation easement. It is our understanding, however, that the landowner has a strong conservation ethic with the intent to protect these important parcels and we truly hope to see Cotton Hall protected with an easement in the very near future.

Unfortunately, the approval of this annexation request could pose some unintended consequences, like setting the Town up for a domino effect of similar annexation requests from properties newly contiguous with the Town's extended municipal boundary. Fortunately, the Town of Yemassee can take proactive measures to mitigate that effect, as well as extend the landowner's own conservation ethic, by adopting an urban growth boundary. By adopting an urban growth boundary, the Town can prevent unbridled growth into our rural areas, better protecting its own investments, neighboring protected properties, and our critical natural resources. Implementing an urban growth boundary will determine where and how the Town grows, preventing any undue burden on utilities, services, and current taxpayers. If Council approves the annexation request tonight, we urge the Town to follow-up that approval with the proactive, preservation-minded strategy of adopting an urban growth boundary to better protect these and other prestigious properties from the impacts of development.

Thank you for your time and consideration on these important matters.

Respectfully,

JULIANA M. SMITH  
 843.522.1800 | julianas@scccl.org

STATE OF SOUTH CAROLINA )  
COUNTY OF BEAUFORT )  
TOWN OF YEMASSEE )  
ORDINANCE NUMBER: )  
(21-07)

An Ordinance Annexing One Parcel of Land owned by Darrell & Wanda Johnson, into the Town of Yemassee, South Carolina.

**AN ORDINANCE ANNEXING INTO THE TOWN OF YEMASSEE, ONE PARCEL OF LAND TOTTALLING 4.50 ACRES, LOCATED AT 225 BAILEY ROAD, OWNED BY DARRELL & WANDA JOHNSON, IN BEAUFORT COUNTY, NOT ALREADY WITHIN THE YEMASSEE TOWN LIMITS AND INCLUDING ALL ADJACENT PUBLIC RIGHTS OF WAY, RAILROAD RIGHTS OF WAY, WATERS, LOWLANDS AND WETLANDS.**

**Section 1. Findings of Facts**

As an incident to the adoption of this ordinance, Town Council of Yemassee finds the following facts to exist:

- a) Section 5-3-150, Code of Laws of South Carolina (1976) as amended, provides a method of annexing property to a city or town by a Petition signed by all persons owning real estate in the area requesting annexation.
- b) A proper Petition has been filed with Town of Yemassee by one hundred percent (100%) of the freeholders owning one hundred percent (100%) of the assessed value of the contiguous property herein described, petitioning for annexation of the property to the Town of Yemassee under the provisions of South Carolina Section 5-3-150(3) and is requesting the Town's zoning of General Residential and have submitted proper submission materials supporting each application in accordance with Town requirements.
- c) It appears to Town Council that the annexation would be in the best interest of the property owners and the town.
- d) The Town Council is zoning the parcel General Residential.
- e) The Yemassee Town Council finds the proposed annexation and rezoning is consistent with the Yemassee Comprehensive Plan (as amended and revised);

**Section 2.**

**NOW, THEREFOR IT BE ORDAINED** by the Mayor and Council of the Town of Yemassee, South Carolina, duly assembled and with authority of the same, pursuant to Section 5-3-150, Code of Laws of South Carolina (1976), as amended, the following described property is hereby annexed to and made part of the Town of Yemassee, to wit:

ALL THOSE CERTAIN PIECES, PARCELS OR TRACTS OF LAND being known as R700 019 000 0064 and 4.50 acres, respectively, and all adjacent public rights of ways and wetlands as shown on the attached map.

This Ordinance shall become effective upon ratification.

**SO ORDERED AND ORDAINED THIS** \_\_\_ Day of \_\_\_\_\_ 2021

**By the Yemassee Town Council being duly and lawfully assembled.**

\_\_\_\_\_  
**Colin Moore, Mayor**

\_\_\_\_\_  
**Matthew Garnes, Town Clerk**

\_\_\_\_\_  
**Peggy Bing-O'Banner, Councilmember**

\_\_\_\_\_  
**Michelle Hagan, Councilmember**

\_\_\_\_\_  
**Chuck Simmons, Councilmember**

\_\_\_\_\_  
**Alfred Washington, Councilmember**

(Seal)

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_





**TOWN OF YEMASSEE  
ANNEXATION APPLICATION**

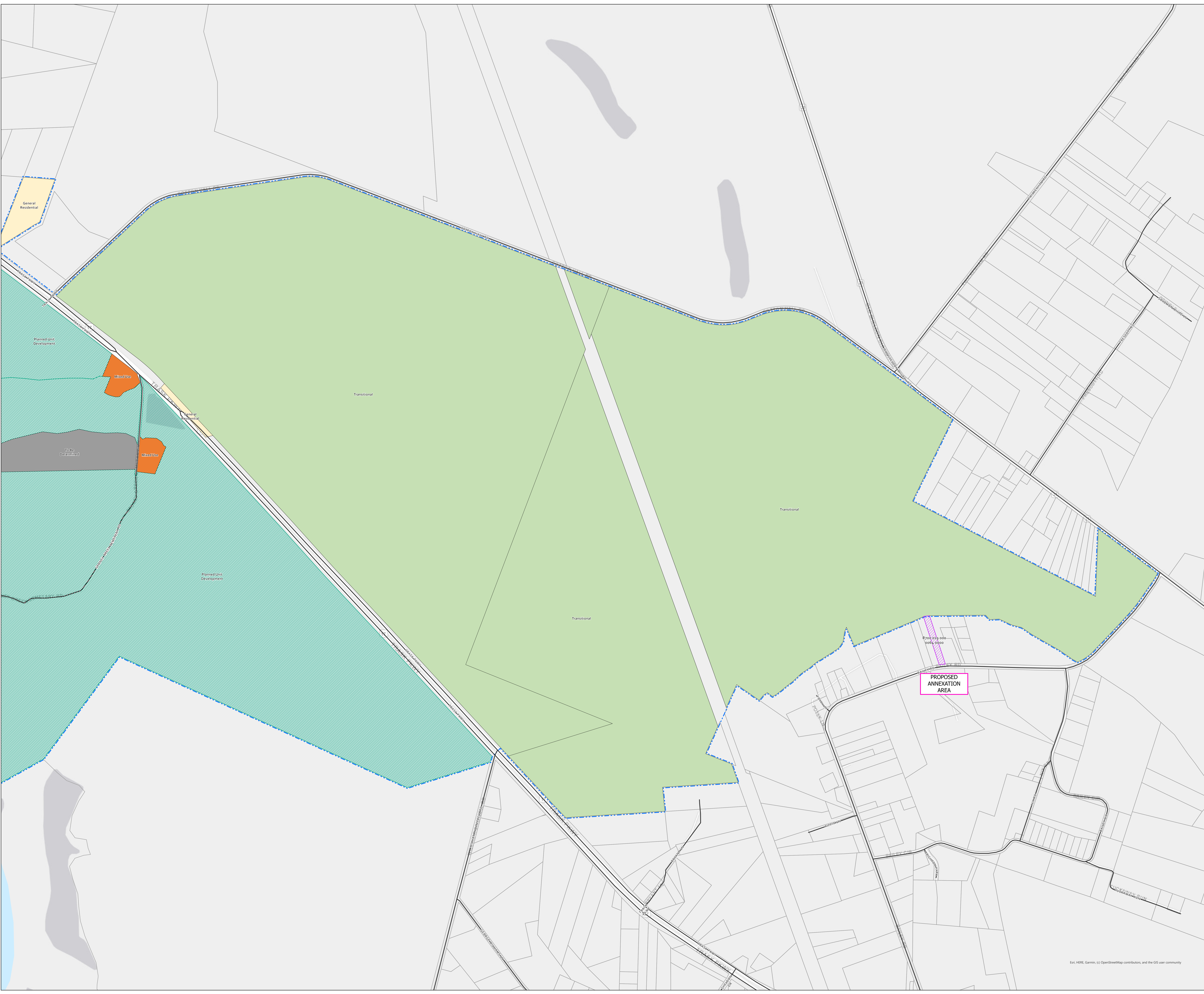
Yemassee Municipal Complex  
P.O. BOX 577  
Yemassee, SC 29945-0577  
(843) 589-2565

Applicant		Property Owner	
Name: Darrell & Wanda Johnson		Name: Darrell & Wanda Johnson	
Phone: (843) 726-1055		Phone: (843) 726-1055	
Mailing Address: P.O. Box 1125 Hardeeville, SC 29927		Mailing Address: P.O. Box 1125 Hardeeville, SC 29927	
E-mail: tdjohnson1@hargray.com		E-mail: tdjohnson1@hargray.com	
Town Business License # (if applicable): N/A			
Project Information			
Project Name: 225 Bailey Rd		Acreage: 4.50	
Project Location: 225 Bailey Rd			
Existing Zoning: Rural T2R Sheldon		Proposed Zoning: General Residential (GR)	
Tax Map Number(s): R700 019 000 0064 0000			
Project Description: Annexation of one parcel of vacant land on Bailey Road, totaling 4.50 acres into town			
Select Annexation Method			
<input checked="" type="checkbox"/> 100 Percent Petition and Ordinance Method		<input type="checkbox"/> 75 Percent Petition and Ordinance Method	<input type="checkbox"/> 25 Percent Elector Petition and Election Method
Minimum Requirements for Submittal			
<input checked="" type="checkbox"/> 1. Completed Annexation Petition(s) <input checked="" type="checkbox"/> 2. Copy of plat and/or survey of area requesting annexation			
<b>Note: Application is not valid unless signed and dated by property owner.</b>			
<b>Disclaimer: The Town of Yemassee assumes no legal or financial liability to the applicant or any third party whatsoever by approving the plans associated with this permit.</b>			
I hereby acknowledge by my signature below that the foregoing application is complete and accurate and that I am the owner of the subject property.			
Property Owner Signature: <i>[Signature]</i>		Date: 2-15-21	
Applicant Signature: <i>[Signature]</i>		Date: 2-15-21	
For Office Use			
Application Number: ANNEX-02-21-1010		Date Received: 2/22/21	
Received By: M. Gurnes		Date Approved:	

**ZONING  
DEPARTMENT**

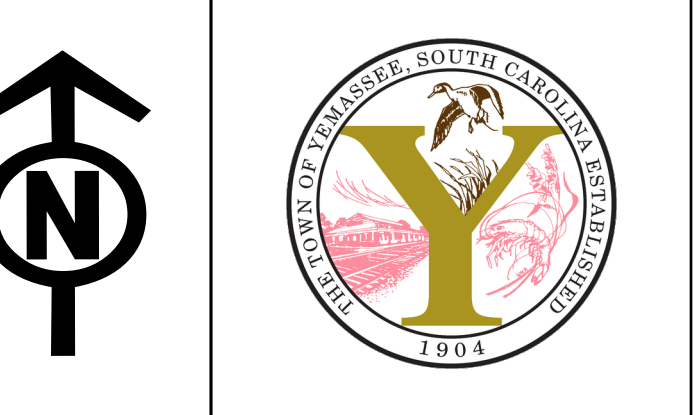
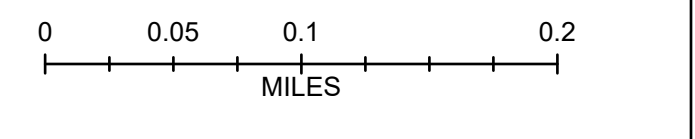
**PROPOSED  
ANNEXATION  
AREA**

- LEGEND**
- ROADS
  - PROPOSED ANNEXATION AREA
  - TOWN BOUNDARY
  - YEMASSEE ZONING**
  - ZONING DESCRIPTION**
  - General Residential
  - Mixed Use
  - Planned Unit Development
  - Transitional
  - To Be Determined
  - PARCELS
  - HYDROLOGY**
  - STREAM/RIVER



**DATE CREATED:** 2/8/2021  
**DATE UPDATED:** 2/23/2021

**PREPARED BY:** SPATIAL ENGINEERING, INC.  
**CARTOGRAPHY BY:** GOVI HINES, GISP



**DISCLAIMER:**  
The GIS maps and data distributed by the Town of Yemassee are derived from a variety of public and private sector sources considered to be dependable, but the accuracy, completeness, and currency thereof are not guaranteed. The Town of Yemassee makes no warranties, expressed or implied, as to the accuracy, completeness, currency, reliability, or suitability for any particular purpose of information or data contained in or generated from the Town's Geographic Information Systems database. Additionally, the Town of Yemassee or any agent, servant, or employee thereof assume no liability associated with the use of this data, and assume no responsibility to maintain it in any matter or form.

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**Emergency Ordinance 21-08**

**TOWN OF YEMASSEE, SOUTH CAROLINA**

**AN EMERGENCY ORDINANCE OF THE TOWN OF YEMASSEE, SOUTH CAROLINA, EXTENDING THE REQUIREMENT FOR INDIVIDUALS TO WEAR FACE COVERINGS IN CERTAIN CIRCUMSTANCES IN LIGHT OF THE COVID-19 PANDEMIC; AND MATTERS RELATED THERETO; AND SEVERABILITY**

**WHEREAS**, it is well recognized that SARS-CoV-2, the virus that causes the disease COVID-19 presents a public health concern that requires extraordinary protective measures and vigilance; and

**WHEREAS**, on March 11, 2020, the World Health Organization declared a world-wide pandemic; and

**WHEREAS**, on March 13, 2020, the President of the United States declared a National Emergency for the United States and its territories in an effort to reduce the spread of the virus; and

**WHEREAS**, 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; and

**WHEREAS**, the Governor of the State has subsequently declared a continued State of Emergency in Executive Orders 2020-15, 2020-23, 2020-29, 2020-35, 2020-38, 2020-40, 2020-42, 2020-44, 2020-48, 2020-53, 2020-56, 2020-59, 2020-62, 2020-63, 2020-65, 2020-67, 2020-70, 2020-72, 2020-75, 2020-77, 2021-03 and 2021-07; and

**WHEREAS**, COVID-19 has spread across the state with the South Carolina Department of Health & Environmental Control (“SCDHEC”) confirming that localized person-to-person contact in South Carolina enables a significant risk of exposure, propagates the spread of the COVID-19 infection and creates an extreme public health risk

**WHEREAS**, as of March 8, 2021, the total number of confirmed COVID-19 cases in the state of South Carolina was approximately 449,977 and the number of confirmed deaths was 7,744; with the number of confirmed cases in Beaufort County at 15,701, the number of deaths at 189 and the number of confirmed cases in Hampton County at 1,731, the number of deaths at 43; and

**WHEREAS**, S.C. Code 5-7-250(d) provides that “to 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 two-thirds of the members of Council present. An Emergency Ordinance is effective immediately upon its enactment without regard to any reading, public

hearing, publication requirements, or public notice requirements. Emergency Ordinances shall expire automatically as of the sixty-first day following the date of enactment” and;

**WHEREAS**, taking measures to control outbreaks minimizes the risk to the public and contributes to the health and safety of the Town’s residents and limits the spread of infection in our community and within the healthcare delivery system; and

**WHEREAS**, the Town Council adopted Emergency Ordinance 20-12 on July 14, 2020, subsequently adopted Emergency Ordinance 20-14 on September 8, 2020, Emergency Ordinance 20-23 on November 10, 2020, Emergency Ordinance 21-01 on January 12, 2021, and the current ordinance is set to expire at 11:59PM on March 14, 2021, the sixty-first day after the adoption of the Emergency Ordinance; and

**WHEREAS**, in order to protect, preserve, and promote the general health, safety, welfare and the peace and order of the community, the Town is taking steps to try and protect the citizens and employees of the Town from increased risk of exposure; and

**WHEREAS**, in light of the foregoing, the Mayor & Town Council deems it proper and necessary to adopt this emergency ordinance in order to require (a) patrons of commercial establishments wear face coverings while inside the store and (b) all employees of commercial establishments wear face coverings at any time there is face to face interaction with the public.

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF YEMASSEE, SOUTH CAROLINA THAT:**

**Section 1. Definitions**

- (a) “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
- (b) For the purposes of Section 3(b) of this Ordinance, “person” shall be defined as any individual associated with the business who has the control or authority and ability to enforce the requirements of the Ordinance within the business, such as an owner, manager or supervisor. “Person” may also include an employee or other designee that is present at the business but does not have the title of manager, supervisor, etc., but has the authority and ability to ensure that the requirements of this Ordinance are met while the business is open to the public.

**Section 2. Requirements for Face Coverings**

- (a) All persons entering any building open to the public in the Town must wear a face covering while inside the building.
- (b) All restaurants, retail establishments of every description, salons, grocery stores, and pharmacies in the limits of the Town shall require their employees to wear a Face

Covering at all times that the employees are in any area where the general public is allowed. This requirement also applies to all persons providing or utilizing over-the-road public or commercial transportation and all businesses or employees while interacting with people in outdoor spaces, including, but not limited to, curbside pickup, delivery, and service calls. All such businesses must provide face coverings or materials for the making of such face coverings for their employees. Such coverings or materials may be made available staff-wide or individually upon employee request so long as the result is the organization-wide use of face coverings. Nothing shall prevent an employee from fashioning his or her own cloth face mask. If a worker or customer refuses to wear a cloth face covering for other than medical reasons, a business may decline entry or service to that individual.

- (c) The following individuals are exempt from this Ordinance: any person under the age of eight, or who is unable to safely wear a Face Covering due to age or an underlying health condition, or who is unable to remove the Face Covering without the assistance of others; and any person traveling in a personal vehicle, or when a person is alone or is in the presence of only household members in an enclosed space, and people who are actively drinking or eating. This Ordinance does not relieve business establishments and restaurants from other social distancing requirements imposed by the Governor's Executive Orders.

### **Section 3. Penalties**

- (a) A person who fails to comply with Section 2.(a) or Section 2.(b) of this Ordinance shall be guilty of a civil infraction, punishable by a noncriminal fine of not more than \$25.00. No state assessments will be assessed on this civil infraction/noncriminal fine.
- (b) Each day of a continuing violation of this Ordinance shall be considered a separate and distinct offense. In addition to the fines established by this section, repeated violations of this Ordinance by a person who owns, manages, operates or otherwise controls a business subject to this Ordinance may, subject to all procedural protections set forth in the Town Code of Ordinances, result in the suspension or revocation of any occupancy permit or business license issued to business where the repeated violations occurred. Repeated violations of this Ordinance are additionally hereby declared to be a public nuisance, which maybe abated by the Town by restraining order, preliminary and permanent injunction, or other means provided for by the Town Code of Ordinances and laws of this state. The foregoing notwithstanding, every effort shall be made to bring the business into voluntary compliance with the terms of this Ordinance prior to the issuance of any citation
- (c) The Town of Yemassee Municipal Court shall have jurisdiction on any and all infractions and/or suspension/revocation of permits or licenses as set out in this Section 3.

### **Section 4. Severability**

- (a) If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not

affect the other provisions of this Ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this Ordinance are declared to be severable.

**Section 5. Effective Date; Expiration**

- (a) The provisions hereof shall be adopted upon a single hearing and two-thirds vote of the Governing Body, and shall be effective at 12:00AM on March 14, 2021, and shall be terminated by the issuance of another ordinance or shall automatically expire on the 61<sup>st</sup> day after enactment of this Ordinance, whichever date is earlier.

**PASSED, APPROVED AND ENACTED AS AN EMERGENCY ORDINANCE BY THE TOWN COUNCIL OF THE TOWN OF YEMASSEE, SOUTH CAROLINA, AT ITS REGULAR MEETING**, and approved at a meeting duly assembled by no less than an affirmative vote of two-thirds of the members of the Governing Body present, on this 9th day of March, 2021.

\_\_\_\_\_  
Colin J. Moore, Mayor

\_\_\_\_\_  
ATTEST: Matthew E. Garnes, Town Clerk

\_\_\_\_\_  
Peggy Bing-O'Banner, Mayor Pro-Tem

\_\_\_\_\_  
Charlie Simmons, Council Member

\_\_\_\_\_  
Alfred Washington, Council Member

\_\_\_\_\_  
Michelle Hagan, Council Member

(Seal)

**EMERGENCY ORDINANCE 21-09**  
**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YEMASSEE,**  
**SOUTH CAROLINA, EXTENDING THE PREVIOUSLY ADOPTED STANDARDS FOR**  
**ELECTRONIC MEETINGS, IN LIGHT OF THE COVID-19 PANDEMIC, IN THE**  
**TOWN OF YEMASSEE**

**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 the 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”; and

**WHEREAS**, due to the continued threat 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 municipalities 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 a change in 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 is 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 this Emergency Ordinance.

**NOW THEREFORE, BE IT ORDAINED**, in regular meeting of the Town Council (the “Governing Body”), as follows;

**Section 1. Standards for Electronic Meetings.** The governing body is 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 Governing Body to confirm attendance, and any member of the Governing 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 Governing Body, as well as any officials or staff required to speak at such meeting, must have the capability of being heard at all times by any other members of the governing body and by the general public.
- c) Any vote of the governing body must be conducted by individual voice vote of members of the governing body, who shall verbally indicate their vote on any matter by stating “yay” or “nay”. All individual votes shall be recorded by the Town Clerk, Secretary or presiding officers as appropriate.
- d) Meetings shall be recorded, or minutes kept in the same manners as an in-person meeting as required by the Act.
- e) All members of the governing body, officials, staff, and presenters should identify themselves and be recognized prior to speaking. Members of the Governing Body shall strictly comply with the rules of the Governing Body as they relate to procedural matters in or 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 Governing 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 Governing 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, Ordinance, policy, or bylaws are hereby suspended. Members of the public may submit written public comments at least one hour prior to the start of the meeting which shall be distributed to the members of the Governing Body. Public Comment may be e-mailed to the Town Clerk at [mattgarnes@townofyemassee.org](mailto:mattgarnes@townofyemassee.org) or dropped off in the designated drop box in front of the Yemassee Municipal Complex no later than one hour prior to the scheduled meeting time.
- h) The video link to the meeting will be attached to the respective Agenda and made available on the Town Facebook page.

**Section 2. Suspension of Local Provisions.** During the period of effectiveness of this Ordinance, any ordinance, Ordinance, policy, or bylaw of the Governing 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 Governing Body, and shall expire on the sixty-first day following the effective date hereof.

**DONE AS AN EMERGENCY ORDINANCE AT ITS REGULAR MEETING,** and approved at a meeting duly assembled by no less than an affirmative vote of two-thirds of the members of the Governing Body preset, this 9<sup>th</sup> day of March 2021.

\_\_\_\_\_  
Colin J. Moore, Mayor

\_\_\_\_\_  
ATTEST: Matthew E. Garnes, Town Clerk

\_\_\_\_\_  
Peggy Bing-O'Banner, Mayor Pro-Tem

\_\_\_\_\_  
Charlie Simmons, Council Member

\_\_\_\_\_  
Alfred Washington, Council Member

\_\_\_\_\_  
Michelle Hagan, Council Member

(Seal)

## **EMERGENCY ORDINANCE 21-10**

### **AN EMERGENCY ORDINANCE OF THE TOWN OF YEMASSEE, SOUTH CAROLINA CONTINUING THE SUSPENSION OF NORMAL OPERATING PROCEDURES OF THE TOWN OF YEMASSEE, AND TO AUTHORIZE THE TOWN CLERK TO DEVELOP AND ENACT ANY PLANS OR POLICIES NEEDED TO ENSURE THE CONTINUTIY OF GOVERNMENT SERVICES IN LIGHT OF THE ONGOING COVID-19 PANDEMIC, AND SEVERABILITY.**

**WHEREAS**, it is well recognized that SARS-CoV-2, the virus that causes the disease COVID-19 presents a public health concern that requires extraordinary protective measures and vigilance; and

**WHEREAS**, 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; and

**WHEREAS**, the Governor of the State has subsequently declared a continued State of Emergency in Executive Orders 2020-15, 2020-23, 2020-29, 2020-35, 2020-38, 2020-40, 2020-42, 2020-44, 2020-48, 2020-53, 2020-56, 2020-59, 2020-62, 2020-63, 2020-65, 2020-67, 2020-70, 2020-72, 2020-75, 2020-77, 2021-03 and 2021-07; and

**WHEREAS**, COVID-19 continues widespread transmission across the state with the South Carolina Department of Health & Environmental Control (“SCDHEC”) confirming that localized person-to-person contact in South Carolina enables a significant risk of exposure, propagates the spread of the COVID-19 infection and creates an extreme public health risk, and

**WHEREAS**, on March 27, 2020, the Town Council for the Town of Yemassee, South Carolina (the “Town Council”) issued a proclamation of a Local State of Emergency and adopted Emergency Ordinance 20-05, which established certain standards for the conducting of electronic meetings for the Town Council, and,

**WHEREAS**, on July 14, 2020, the Town Council adopted Emergency Ordinance 20-12, which established a requirement for individuals to wear face coverings, in certain circumstances in the Town of Yemassee South Carolina due to the ongoing threat of COVID-19, and

**WHEREAS**, on September 8, 2020, the Town Council adopted Emergency Ordinance 20-14, which extended the requirement for individuals to wear face coverings, in certain circumstances in the Town of Yemassee, South Carolina, and

**WHEREAS**, on November 10, 2020, the Town Council adopted Emergency Ordinance 20-23, which extended the requirement for individuals to wear face coverings, in certain circumstances in the Town of Yemassee, South Carolina, and

**WHEREAS**, on January 12, 2021, the Town Council issued a proclamation of a Local State of Emergency, adopted an Emergency Ordinance extending the requirement for individuals to wear face coverings in certain circumstances in the Town of Yemassee, South Carolina (21-01), and adopted an Emergency Ordinance Establishing the Standards for Electronic Meetings in the Town of Yemassee, South Carolina (21-02); and,

**WHEREAS**, on March 9, 2021, the Town Council will re-issue a proclamation of a Local State of Emergency, will vote on an Emergency Ordinance extending the requirement for individuals to wear face coverings in certain circumstances in the Town of Yemassee, South Carolina (21-08), and will vote on an Emergency Ordinance Extending the previously established Standards for Electronic Meetings in the Town of Yemassee, South Carolina (21-09); and,

**WHEREAS**, while it is imperative for local government to continue to take steps to minimize the significant public health threats and other impacts associated with the COVID-19 pandemic, the Town Council must also regularly review such measures to ensure that any deviations from the standard procedure are narrowly crafted to address continuing and new threats caused by COVID-19; and

**WHEREAS**, it is well recognized that COVID-19 presents a public health concern that requires extraordinary protective measures and vigilance; 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; and,

**WHEREAS**, it is hereby determined that a public emergency affecting life, health, and safety does exist within the Town of Yemassee, and therefore, it is appropriate and necessary to adopt this Emergency Ordinance.

**NOW THEREFORE, BE IT ORDAINED**, in regular meeting of the Town Council (the “Governing Body”), as follows;

**Section 1. Incorporation of Recitals.** The above recitals, and the recitals contained within the Governor of South Carolina’s Executive Orders 2020-15, 2020-23, 2020-29, 2020-35, 2020-38, 2020-40, 2020-42, 2020-44, 2020-48, 2020-53, 2020-56, 2020-59, 2020-62, 2020-63, 2020-65, 2020-67, 2020-70, 2020-72, 2020-75, 2020-77, 2021-03 and 2021-07 are hereby incorporated herein and made an integral part hereof.

**Section 2. Authorization of Town Clerk.** To the fullest extend permitted by law, the Town Clerk is hereby authorized to develop and enact any plans or policies needed to ensure the continuity in the delivery of government services in light of the COVID-19 outbreak and to take necessary action to protect the health, safety, and welfare of Town residents, visitors, employees and staff. Any plans or policies will be consulted and reviewed by the Mayor. These policies, plans and actions may include but are not limited to the following:

- a) Cancelling any Town facility rentals and limiting restricting facility rentals during the term of this Local State of Emergency; and,
- b) Utilizing all available resources of the Town as reasonably necessary to cope with the COVID-19 emergency; and,
- c) Closing all or portions of the Town Hall and other Town facilities to the public; and
- d) Continue to coordinate with County Emergency Management Officials and the South Carolina Department of Health & Environmental Control to continue to plan and host free COVID-19 testing events in Yemassee, and, if offered and available in the future, vaccination sites.

**Section 3. Effective Date; Expiration.** The provisions hereof shall be effective upon a single reading and two-thirds vote of the Governing Body, and shall expire on the sixty-first day following the effective date hereof.

**Section 4. Severability.** If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this Ordinance are declared to be severable.

**PASSED, APPROVED AND ENACTED AS AN EMERGENCY ORDINANCE BY THE TOWN COUNCIL OF THE TOWN OF YEMASSEE, SOUTH CAROLINA, AT ITS REGULAR MEETING**, and approved at a meeting duly assembled by no less than an affirmative vote of two-thirds of the members of the Governing Body present, on this 9th day of March, 2021.

\_\_\_\_\_  
Colin J. Moore, Mayor

\_\_\_\_\_  
ATTEST: Matthew E. Garnes, Town Clerk

\_\_\_\_\_  
Peggy Bing-O'Banner, Mayor Pro-Tem

\_\_\_\_\_  
Charlie Simmons, Council Member

\_\_\_\_\_  
Alfred Washington, Council Member

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Michelle Hagan, Council Member

**RESOLUTION 21-16**  
**A RESOLUTION OF THE TOWN OF YEMASSEE, SOUTH CAROLINA TOWN COUNCIL,**  
**RANKING THE 2021 NEEDS ASSESSMENT OF THE TOWN OF YEMASSEE**

**WHEREAS**, the Town of Yemassee held its Annual CDBG Needs Assessment Public Hearing on February 9, 2021 at the Yemassee Town Council Meeting; and,

**WHEREAS**, the meeting allows the Town Council and the public to learn about different funding opportunities offered by South Caroline Department of Commerce; and,

**WHEREAS**, the Town Council is required to formally rank its needs annually; and

**WHEREAS**, the Town of Yemassee is committed to improving quality of life for all residents in all areas of the Town and will pursue all funding sources including CDBG funding to meet this goal.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Yemassee, South Carolina, hereby ranks its needs for 2021 as:

1. Coronavirus Response (CDBG-CV1) – facilities
2. Neighborhood Revitalization – Sidewalks
3. Community Enrichment – Downtown Streetscape

**ADOPTED**, THIS 9<sup>TH</sup> DAY OF March 2021.

---

Colin Moore  
Mayor

**ATTEST:**

---

Matthew E. Garnes  
Town Clerk

(Seal)