

PUBLIC SAFETY COMMITTEE

March 18, 2020

An emergency meeting of the Public Safety Committee was held this date beginning at 2:00 p.m., at 80 Broad Street, City Hall, First Floor Conference Room

Notice of this meeting was sent to all local news media.

PRESENT

Councilmember Shahid, Chair, Councilmember Seekings, Councilmember Sakran, Councilmember Shealy (by phone) and Mayor Tecklenburg **Staff:** Chief Curia (by phone), Dan Riccio (by phone), Susan Herdina (by phone), Shannon Scaff (by phone), Lieutenant Brady (by phone), Chief Reynolds, Lieutenant Cherry

The meeting was opened with a moment of silence provided by Councilmember Seekings.

Discussion regarding the implementation of Emergency Ordinances put into effect related to COVID-19

Chairman Shahid said that for those that may not be members of the Committee, he asked them to put their phone on mute.

Chairman Shahid said he wanted to give a huge shout-out to Chief Reynolds and Chief Curia. In the last few days, he had received emails giving a good briefing on the actions they had taken. He had been discussing the developments that had transpired over the last several days. They were well ahead of the curve. On Monday, they had passed several emergency ordinances and some of it had already changed rapidly particularly to how they were handling gatherings. He wanted to know if there was anything they needed to do to modify those ordinances. The basic premise of what they had passed on Monday was a limit to 50 persons gathered. The governor had made some changes about shutting down some gathering places.

Councilmember Sakran said the question he had received from several people including wedding vendors and people who did special events. He assumed the ordinance prohibited anything like that. Chief Reynolds said that if the event was closed to the public and was a private event, and not a publically accessible facility or event, it is not something outlined under this ordinance and not something they would enforce. It's something that was being strongly discouraged, but it didn't cover a private event like that. Chairman Shahid said he believed they needed to make that distinction. They should be aware of the limits they were placing, but they couldn't enforce those limits. He saw an email from Chief Reynolds about some police interaction with some restaurants on Monday or Tuesday night.

Chief Reynolds stated that last night, the governor's restrictions had not gone into place yet. There were several restaurants open last night. They went to those and none of them had over 50 people. They were fully aware of the ordinance and compliant. They all said they would close today based on the

governor's orders. Tuesday was typically a slow night and it was much slower than normal in terms of police activity and restaurant activity. Today, they had some restaurants that were open and they were talking about that. Chief Curia, himself, Mike Julazadeh, Dan Riccio, and the Police team had been talking since this was passed on Monday. They had gotten some good input from the Legal team, specifically Steve Ruemelin. As of today, they looked at the governor's resolution and had conversations about how they would enforce a violation. It would be a penalty up to 30 days in jail and up to \$500 fine. It was a misdemeanor. They were also talking about things like looting. Their goal was voluntary compliance and education. They wanted to reach out and work with businesses to help them. In addition to monitoring the schools that were giving out meals, if there were restaurants or places that had long lines, they would do their best to help them and encourage that. They wanted to support their businesses. There was concern about other things as this grew, but they were in a good place in terms of legal clarity and enforcement. He thought shutting down the dine-in restaurants and bars actually made it easier versus doing a count of people. They were doing this to protect the City and other people versus enforcement as the first step. They had a work group they had created and daily conversations, so that as this grew, they had a good start with everyone talking to one another.

Chairman Shahid asked if outside dining was permitted and if restaurants could serve patrons if they weren't inside the establishment. Chief Reynolds said they had that discussion that morning. The way it read was that you could not gather in a facility and dine in, whether it was indoor or outdoor. Chairman Shahid said they needed to get that message out clearly, so that restaurants were not questioning it. Chief Reynolds said there was a work group that was working on a public message so that they all had the exact same speaking points. That would go out soon and be consistent from everyone. Chairman Shahid said the other question that came out on Monday were about other establishments such as houses of worship. He knew that several churches had curtailed their services. He asked how they were going to address those that were still having church services. Chief Reynolds said if it was open to the public and publically accessible, they were limited to the 50 people. There was a reason behind that and they were trying to gain voluntary compliance. They were trying to flatten the curve and the more restrictive they were, the better off they would be. Chairman Shahid asked if there was anything they should do more proactively to be sure that the houses of worship were informed about this. Chief Reynolds said it would just be part of their continued messaging. Those were some of their most valued partners and community members and the last thing they wanted to do was take enforcement action in a circumstance like that. He thought they needed to continue to get the message out and knew that Mike Whack continued to be very involved with the faith community. As recently as Monday, there was a lot of debate and consternation about how it would affect the faith community.

Councilmember Seekings asked if the establishments open that day were open because they didn't know, or if it was in defiance. Chief Reynolds said that he would find out an answer while they were talking. Councilmember Seekings said he believed there would be a period of education about all of this. Chief Curia said that one of the things that was great about having such a good relationship with the Police Department was having a core group that was working on this every day. He believed that what Chief Reynolds just iterated is what any of them would have said, so he didn't have anything to add.

Ms. Herdina stated that the gathering ordinance that Council passed the other day was at this point looser on the issue of restaurants and bars than the governor's executive order. For enforcement purposes, it would be the most helpful to amend the City's emergency gathering place ordinance to mirror what the governor had mandated the day before with respect to bars and restaurants and no dine-in services. Mayor Tecklenburg said it would make them consistent with what the Governor had ordered.

On the motion of Mayor Tecklenburg, seconded by Councilmember Shealy, the Committee voted unanimously to amend Ordinance 2020-039 to mirror the governor's executive order related to bars and restaurants and no dine-in services.

Chairman Shahid said they would report it to City Council and take whatever action there as well. He asked if they had anything else they needed to talk about regarding the emergency orders. Chief Reynolds said that something else that had come up in the discussion was retail establishments. They had agreed that grocery stores were not covered under this ordinance. A lot of retail had closed, but if a retail store decided to have a special and there were many people at that establishment, he would argue that fell under the ordinance. They were trying to get a little more clarity on retail establishments and what was covered under the ordinance. Ms. Herdina stated they would bring it up at this meeting to see if the Committee had any thoughts on how to regulate that. The intent was to capture the social gathering places that were open to the public. They weren't thinking about grocery stores or small mom and pop retail stores. The intent wasn't to go in and socialize with friends. What the Chief was suggesting could happen, and then it became like a public gathering place. They needed to think about how they felt about that issue and whether they should consider some language to cover that. Chairman Shahid said it would still have to be under 50 people regardless of what kind of place you are. Ms. Herdina said the way it read was that if it was a large gathering of 50 or more and those establishments included bars/restaurants, movie theaters, live performing venues, bowling alleys, arcades, gyms, and houses of worship. The focus has been large gatherings, but today they had been talking about large social gatherings. She didn't think they had considered retail to fall in the purview at this point, but the question was whether they should make the gathering ordinance broader.

Councilmember Shealy asked what type of activity they were seeing on King Street or in the Mall. Chief Reynolds said the mall had been closed down and he didn't think it was a problem. They wanted to encourage business. They were anticipating what could happen, however, if everything else was shut down. They were thinking it could become an issue. Chairman Shahid said the idea of the ordinance was 50 people congregated in one spot for a period of time. If you're walking down an aisle, you aren't congregating with a large crowd. Councilmember Sakran stated that the easiest thing would be to make it consistent. If they were keeping the limit at 50, he didn't know how many retail shops would have a large gathering of 50. He didn't think that detracted from business. Councilmember Seekings said that he thought they should leave it alone. They had places like Walmart that might have more than 50. They should see what happens. Councilmember Shealy said he would agree with Councilmember Seekings. If it became an issue, they could certainly bring it back up and talk about it. Mayor Tecklenburg said they were still lacking information about real time testing. In the next few days, they would have more meaningful sampling of the population, as to whether there were more cases or not. He was in favor of

sitting on it for another day or two, but if they got reports that there were a number of positive cases, they should take it to the next step. They were in sync with the Governor right now. The CDC had now recommended going to ten people gathering.

Chief Reynolds stated that they had been talking with the business community. One of the things that the governors order did was it would allow them to provide help or to get help from others around the State. They were paying attention to crime. They continued to do their job as expected and were preparing for other things that could occur. They were talking closely with their partners. Chairman Shahid said that they needed to be talking to their community to help their first responders. They didn't need to add onto the issues and should be smart and paying attention to safety issues in their own homes.

Councilmember Shealy wanted to ask if they had tests available for their first responders that they could get quickly if needed. Chief Reynolds said they had a direct connection to MUSC who had been very gracious. They had been promised first space in line. They were evaluating how they were cleaning their facilities and how they would quarantine, etc. They had to be cautious because they could lose their workforce very quickly if they weren't. Councilmember Shealy asked if SRO's were still at the schools. Chief Reynolds said that they were helping in giving out meals to make sure it went well in terms of traffic and ingress/egress. The SRO's also had other duties they had such as helping restaurants who were doing carry-out. Chairman Shahid said that their first responders were on the front line and they needed to do everything they could to protect them. One thing they should be expecting was that as testing became more frequent, they would see a natural higher curve of positive tests coming back. They shouldn't be alarmed by that.

Having no further business, the Committee adjourned at 2:41 p.m.

Bethany Whitaker
Council Secretary