

CITY COUNCIL MEETING

Special Meeting

August 11, 2021

A Special Meeting of City Council of Charleston was held August 11, 2021, convening at 5:01 p.m. over video conference call.

A notice of this meeting and an agenda were made available on the City's website on August 10, 2021.

PRESENT (13)

The Honorable John J. Tecklenburg, Mayor

Councilmember Delcioppo	District 1	Councilmember Waring	District 7
Councilmember Shealy	District 2	Councilmember Seekings	District 8
Councilmember Sakran	District 3	Councilmember Shahid	District 9
Councilmember Mitchell	District 4	Councilmember Griffin	District 10
Councilmember Brady	District 5	Councilmember Appel	District 11
Councilmember Gregorie	District 6	Councilmember Jackson	District 12

Mayor Tecklenburg called the meeting to order at 5:01 p.m.

The Clerk called the roll.

Mayor Tecklenburg said, "Thank you for joining us. If you would like to join us, Councilmember Mitchell, please lead us in an [invocation.](#)"

Councilmember Mitchell opened the meeting with an invocation.

Mayor Tecklenburg said, "Amen. If you will join me, let's recite the [Pledge of Allegiance.](#)"

Mayor Tecklenburg then led City Council in the Pledge of Allegiance.

Mayor Tecklenburg said, "Thank you so much. Based on comments at our last meeting and a request for this one, Madam Clerk did include a [Citizens' Participation Period](#) that we will go ahead and do first. Madam Clerk, did we have anyone respond or want to make any comments?"

The Clerk said, "We have two people who have signed up to speak. Did you want to set a time limit?"

Mayor Tecklenburg said, "Well, and you have some other messages or just the two people?"

The Clerk said, "Yes, sir. We have other comments that we received that we forwarded to Council earlier today, and I can summarize those, as well."

Mayor Tecklenburg said, "Okay. Well, since we have the time, let's allow a few minutes each. That would be fine."

The Clerk said, "Alright. The first speaker is Dr. Varadi."

Mayor Tecklenburg said, "Doctor, welcome."

1. Dr. Eliza Varadi said she was a pediatrician and one of the leaders of the State American Academy of Pediatrics Chapter. As pediatricians, they believed it was very important for children to return to school and to do so safely. Given the recent increase of the Delta variant over the last three to four weeks with nearly 90,000 new cases in children in the United States and South Carolina being the third highest in percentage of children with Coronavirus, comprising 19.1% of all cases compared to a national average of 14.3%, it was very important that they made their return to school safe. On July 18th, the American Academy of Pediatrics put out guidelines for their safe return, and the most important part of the guidance was that all children two and older and all staff and faculty in the schools wear masks. The CDC agreed with those guidelines. The reality was masks worked well, and universal masking was one of the best mitigation strategies they had to protect children, teachers, and communities from the spread of Coronavirus. While vaccines were incredibly important, unfortunately, they were not available to children under the age of 12, and that was the age group that made up the majority of all of the school children. So the best way to keep schools open, and to keep the communities and the children safe from Coronavirus, given that they were ineligible to be vaccinated and would be spreaders, was to make sure that they had a mask mandate for students and staff. They saw from examples in other schools around the Country where they started school with a mask optional policy or the City had a mask optional policy, and after as little as four to ten days and hundreds of positive cases, they changed the mask requirement. Some examples were Mooresville, North Carolina; Somerville, Texas; Marion, Arkansas; and Clark County, Indiana. They saw school districts and cities instituting a mask mandate once school started and the cases still increased. Their suggestion was, instead of being reactive and waiting for the cases to peak once school started, they wanted to be proactive and prevent all of the cases, the quarantines, children losing days of education, parents losing hours and days to the workforce, and spreading a very serious disease in the community. She hoped that a decision could be made to make it safer for the children. To be proactive was always much better, safer, and easier than being reactive.

Mayor Tecklenburg said, "Thank you, doctor. Appreciate you being with us this evening."

Dr. Varadi said, "Thank you."

The Clerk said, "The next speaker is Dr. Elizabeth Mack."

2. Dr. Elizabeth Mack said she was a Board Certified Pediatrician and a Pediatric Critical Care Physician in Charleston. She was also a spokesperson for the American Academy of Pediatrics and currently served as the Vice-President of the

South Carolina American Academy of Pediatrics Chapter. She had been caring for children with COVID-19 and with MIS-C for the last year-and-a-half, and she served with great privilege. People trusted them with the care of their most precious gifts, and it was a pandemic of the unequal. COVID-19 was surging, and the Delta variant was incredibly contagious. She and her colleagues were terrified that they were about to step into what they had seen around the Country and even in South Carolina. Moments ago Kershaw County announced 100 children positive, and they had just been in school for a couple of days. There were lots of preventable deaths around the Country, and hospitals were beyond capacity. They had the power to stop it. The issue was akin to children passenger safety or any other public health issue. They had car seat laws to protect the most vulnerable and their future. The science was clear. The CDC, DHEC, the American Academy of Pediatrics in South Carolina, and many others agreed that the science supported universal masking of students, staff, and teachers in schools regardless of vaccination status, particularly in a community like Charleston where rates were soaring. Children below 12 years of age did not have access to vaccines at the time, and they deserved extra protection. Additionally, they didn't have herd immunity in the community due to a large percent of folks still being unvaccinated, so they must act accordingly. The science was also clear that students were not adversely affected by masking, not their mental health, not their learning, and not their speech. From an economic perspective, masking also significantly affected quarantine requirements in the K through 12 setting. Per the CDC, the close contact definition excluded students who were within three to five feet of an infected student if both the infected student and the exposed student correctly and consistently wore well-fitting masks the entire time, which meant less kids quarantined, more kids in school, less parents scrambling for child care, less sick citizens, and less kids in the hospital. Children needed to be in masks safely in school. She said CCSD beautifully demonstrated it was possible last year with mask mandates, and they had an opportunity for courageous leadership and the opportunity to protect children. She urged Council to do all in their power to keep children safe.

Mayor Tecklenburg said, "Thank you, Dr. Mack. I appreciate it."

The Clerk said, "Then, we did receive some comments, and those comments were forwarded to Council in full earlier today for your review, so I will just summarize them. We have five people who commented that they oppose the recommendation to mask children in public schools. Four people said that Charleston should follow Columbia's lead and reinstate the mask mandate to protect children who aren't able to be vaccinated yet. One person would like to offer free walk-in appointments for COVID-19 vaccines at Liberty Doctors, Monday through Friday, 8:30 p.m. to 3:00 p.m., at 418 Folly Road. Ten people said to mandate masks and vaccines for all ages 12 and up. Three people said government officials who use their platform to coerce people into making decisions they are uncomfortable with is immoral. One person said his children wore masks to school and still contracted COVID-19 and would not participate in wearing masks this time around. Three people strongly suggested mask usage in schools is not enough, and it should be mandated instead. One person demanded the City of Charleston be more forceful in controlling COVID-19. One person said to study the science before making a recommendation on masks. Fifteen people said to protect children in schools who rely on adults to keep them safe and that masks should be required in schools. Those were all of the comments that we received."

Mayor Tecklenburg said, "Well, thank you. That was a good many comments on short notice, and the variety of them kind of illustrates how all over the landscape folks feel about this issue. I want to thank Council for coming together in this Special Meeting to discuss this this evening. I know we have a Regular Meeting next week but, frankly, that agenda is very full, and I thought that the urgency of COVID-19 numbers going up in our community dictated that we get together and have a discussion about it. We have this [Resolution](#) before you tonight to consider. Before we get there, we have a special guest. He has been with us before, [Dr. Michael Sweat](#) from the Medical University of South Carolina, who could give us an update on the numbers as he has been studying all along. I want to thank Dr. Sweat in advance for his commitment to public health and his partnership with the City throughout this pandemic. His training and expertise in public health is beyond question, and we really appreciate Dr. Sweat your being with us throughout this pandemic. Dr. Sweat."

Dr. Michael Sweat said, "Thank you, Mayor Tecklenburg. I appreciate you inviting me. Thank you, Councilmembers. I'll try to be brief. Just going to do a quick update on where we are standing with the numbers. I want to start off with the Delta variant. Our Molecular Pathology Laboratory at MUSC, we're actually really lucky here in Charleston to have this activity going. They do sequencing on positive test results. So, we have a real wealth of information about what's been happening with the Delta variant, and this graph here is just a week-by-week breakdown of the different variants we've seen. It's really striking. The Alpha variant was the most prominent one that we saw up until really around the first part of July where this just rapidly took over. This really is reflecting the high transmissibility of the Delta variant. Up on the upper right there, I just have a few numbers. These are the R-naught numbers estimated for the different virus versions and the original ancestral virus that we had in the beginning. Each person was estimated to infect about one-and-a-half or two other people. The Alpha variant that came in later, that went up to three. The Delta variant is up to five or six, so it's an incredibly transmissible variant that we have on our hands right now.

Just some national maps, this outbreak with Delta really started in southern Missouri around Springfield and just blew up with incredibly high rates of infection. There was a geographic spread that was noted moving down into Arkansas and Louisiana. Florida had a concurrent outbreak. There is a real trend towards this sort of coastal effect of high numbers and this, I think, reflects some of the seasonality that we saw last year, too, where the whole, entire southeast coast in mid-summer had a big outbreak. So, I think it's a combination of our hot and humid weather, a lot of people traveling and tourists, getting into restaurants with poor ventilation, and minimal mask use that has really sort of led to this explosion.

We're now seeing hospitalization rates climbing. There are some real hot spots, particularly around Jacksonville and up in Missouri and Arkansas. Louisiana is having a lot of concerns, as well. These really also correlate highly with vaccination rates shown here. These lighter colored areas are low vaccination rates. Just honing in on South Carolina, in early July we had an explosion of cases in really every coastal county, Horry County, Charleston County, Beaufort County, up and down the coast, but it has shifted a bit. We're now seeing another epicenter up in the Midlands around Columbia, particularly Kershaw County, Richland, Lexington County, and then also this hotspot up in Myrtle Beach in Horry County, and it just spills over into North Carolina, as well. We see very high rates of infection throughout the State and some of these hot spots. Dorchester County is really leading the pack. It's at the highest rate of new infections over the past few weeks by far in the State, and Kershaw County is catching up quickly.

This is just showing the vaccination rates here in South Carolina by County. We are below the national average, which is close to 50% for fully vaccinated, and we're more around 41%.

When you just consider all ages, it's about 50% of people 18 and above in the State. Just looking at the Charleston Tri-County area, we saw this early surge last summer, and then over the winter a really large surge occurred and died down to almost nothing. We were getting just a few cases per 100,000 per day, and in our first few weeks of July it was striking how quickly we climbed back up. It was just incredibly high. The highest rates of growth that we had seen since the inception of the epidemic, and that correlated just perfectly with the Delta variant becoming prominent here in our area.

We currently have 62 cases per day per 100,000. We also make estimations for what that looks like for the infection rate among people lacking immunity either from vaccination or prior infection, and that number is 172 cases per day. This really is a massive outbreak occurring among people who lack immunity, and those numbers are stark, not good. Test positivity went from below 5% weeks ago up to about 16 or 17%. I will say that, currently, we are not experiencing major stresses in the hospital. I'll come back to a few hospitalization numbers in a minute, but our ICU is currently able to handle the cases that we're seeing. The reproductive numbers have been going up and down and around one, and when it's above one that means we have growth occurring.

I do want to just touch quickly on looking at what's shifted over time in terms of immunity. Back in May, about 30% of the total population in the Tri-County area was fully vaccinated. That's climbed up to 43% here in August. It's really stalled. We've seen a little bump in the past few weeks. I think people are reacting to the Delta variant's presence and getting out and getting vaccinated, but it's not jumping very quickly. We're at a pretty low rate nationally, and it's not enough to contain this epidemic. Natural immunity, we consider that to be people who have had an infection in the past seven months, and that's because there is good data showing that immunity from natural infection is pretty strong up to seven months. We just don't know much about past seven months based on available data. So, we're actually dropping that number down mostly because, as we move through time, a lot of the people who got early infections just aren't qualifying in our estimates, but that puts us at about 64-65% of people with some sort of immunity we think is viable. So, that's telling you that that other 30% or so of people are really where these infections are occurring, and it's a really high rate in that group.

The big question is what's going to happen next, and one of the best ways to look at that is to consider other locations that have been through Delta variant surges. One of them is the UK, and it's a particularly good comparison because they have a comparable vaccination rate to the United States although they have used different vaccines and different combinations and timing. There are about 59% of people fully vaccinated in the UK, and they just went through a very heavy duty Delta surge and, of course, India where this originated and very low vaccination rates. Finally, I would just point to Springfield, Missouri, which is where the epicenter was originally here in the US, and they are also now seeing declines. So, the good news is this does seem to follow a similar pattern of prior waves that we have had, which is about a two to three-month duration before the rates come down. Prior to vaccination, it's pretty clear that those changes occurred due to people taking behavioral prevention of masking and avoiding crowded indoor spaces and the other prevention techniques that we know. We're really bad as a society at implementing those as the cases go up, but when they get high, people get concerned and cut back on their interacting and the lack of mask use, and the numbers come down. So, we're seeing the same pattern, and that's good news for us.

The other thing is that many of these curves that we are seeing with Delta are very steep. They tend to climb incredibly fast and also seem to drop off relatively quickly, and it's likely due to the high transmissibility. It just gets in and infects people rapidly in the vulnerable population to

the point that it saturates available people to do that. That combined with people taking precautions brings those numbers down. So, I do want to say that in the UK they've been studying really excellent surveillance programs there, and some of this is with mathematical modeling using those data. They've made recent estimates of the percentage of adults that have COVID-19 antibodies, which is very similar to the numbers I was showing you before for the Charleston area. These numbers are really quite striking, upwards of 90 to 93% of people now after this COVID-19 wave have antibodies either from vaccination or natural infection.

So, there are people conjecturing now whether we're going to perhaps get closer to herd immunity just because of these large numbers of people, and we will have to wait and see. There are still some questions about the veracity of those data but, I think, it's a very compelling issue. It's a sad way to go I want to say because people could get immunity without going through the very unpleasant experience of having COVID-19, without spreading it to other people, without the hospitalization and the pressures that brings on our health system, and the mortality that we've seen where over 610,000 people have died from COVID-19 in the United States. So, we can avoid that with vaccinations, and it is a shame that a lot of people are resisting it.

I do want to also just touch on hospitalization impacts. It's another phenomena that's been picked up. I tried to line these up, but this is an epidemic curve of new infections that were occurring in the UK and their winter surge. When this Delta variant surge occurred recently, the rate of hospitalization was much lower, and it's likely because they, as we did here in our Country, prioritized vaccinations for older people, and the uptick was quite high. We have very high vaccination rates in the 80% range in the US for people over the age of 65, and they're the people who are most likely to be hospitalized. The highest rates of infection now in our area really are among younger people. It's really shifted to a younger population. The model age is somewhere between 40 and 60 for hospitalizations. Most infections are occurring among younger people than that, but they're not as likely to be hospitalized, and those people who are not quite old enough to feel incentivized to get vaccinated. The 40 to 60 year old range is really surging in our system. The older people that we're seeing, I would add, we are seeing some people come in who are older, and many of those people have been vaccinated, so there are breakthrough infections occurring. We do see that more commonly among an older population. They don't always mount as strong of an immune response, but I'm getting reports from our clinicians that many of those patients are actually doing pretty well and being discharged, so we are seeing some impact among older vaccinated people, as well.

Finally, looking ahead, this is the Institute for Health Metrics and Evaluation model. It's a good model. They tend to predict quite well on a short term. I think they're not as good at predicting long-term trends, but here we are today, and this is the base estimate here for what they predict our case rate will be. They do note that if people, as has happened before, loosen up on their preventative behaviors and engage in greater mobility, we could have a higher rate. Then, they make a run of analyses looking at if we had almost universal mask use, and it is quite striking how impactful mask use can be if people, at a very high rate, utilized masks and, particularly, used them properly and used high quality masks. There is a lot of poor mask hygiene out there, but it could really have a significant impact. I just would say that it's looking very much like what we saw in the winter in terms of the numbers. The hospitalization rates mirror that, as well.

Finally, here this is just the most recent data. I pulled the number of patients we're seeing in the MUSC system across the State. We've definitely seen an increase, but it's manageable at this point, as I pointed out earlier. ICU bed utilization is really fine right now. This just came out from the South Carolina Hospital Association comparing the hospitalization rate at our last surge in the winter, which was around 30% of diagnosed patients, and we're currently seeing about 14%

of people hospitalized. That is somewhat perhaps reflecting what we saw in the UK data. Again, it's probably because older people are getting higher rates of vaccination. We're not quite at the peak, so we'll see where this goes, but that is a reassuring sign.

So, just to wrap up, over 90% of our new cases are now from this Delta variant. A really rapid onset of that occurred. It's incredibly transmissible. It correlated almost perfectly with our rapid increase in diagnosed cases. Mathematic models suggest a similar impact may occur through our winter surge. It would be estimated to occur sometime in September and the coming months. There is a lot of uncertainty with this. Things have changed. Delta is a little less predictable. Vaccination rates coupled with age make this a little bit challenging to make predictions, but I think we're likely to see a peak in September where the drop off is occurring. Population-level immunity is really sub-optimal to keep this epidemic under control. We've got to get those immunity numbers up. The vaccination rates are too low with a lot of pockets of areas, even in highly vaccinated places, pockets in geographic areas and populations that remain unvaccinated. We need more data on the durability of immunity, both from vaccination and natural infection. We are seeing a higher rate of breakthrough infections with Delta, although it has not been substantial thus far. All eyes are on that because if that's the case, we're going to need to consider booster shots and tweaking of vaccines. Then, expect increases to occur quickly and, I think, also probably decline steeply due to the high transmissibility and the saturation effects we're going to see. Perhaps we're going to get closer to herd immunity unfortunately, through this surge and maybe upcoming surges.

Then the proportion of hospitalized cases right now may be lower than in the past, which is a blessing. That's really a testament to the efficacy of vaccines in keeping people out of the hospital. But, in addition, it is stressing hospital systems around the Country, so we are on our highest alert to see what's going to happen and do everything we can to support prevention. So, that terminates my presentation, and I'm certainly happy to take questions."

Mayor Tecklenburg said, "Thank you, Dr. Sweat. Does anybody have a question for Dr. Sweat?"

No one asked to speak.

Mayor Tecklenburg said, "Alright. I don't see any. So, thank you, again. You've been a partner throughout all of this, with us, and the greatest with current and expert information. So, thank you, Dr. Sweat. We appreciate it."

Mayor Tecklenburg recognized Councilmember Sakran.

Councilmember Sakran said, "Thank you, Mayor. I just want to say thanks for the presentation. I guess the one question I have, with everything that we know as we head into the school year, I mean, that's the reason for this particular meeting. Based on your professional experience and forecasting, would you expect that COVID-19 numbers are going to increase as students go back to school?"

Dr. Sweat said, "Yes, it's a complicated question and a bit of a complicated answer. Yes, I do if mask use is not in place. I do think we would see it's just a fact that they protect people, and COVID-19 is out there, and Delta is very transmissible. I'll tell you this, in Israel, and they have very high vaccination rates there and the same is here, not among children, and they went back into a lot of restrictions, and it was driven by large outbreaks that occurred in unmasked kids in schools. There is also some very strong data coming out of North Carolina looking at mask use

and its efficacy. I think what we've learned over the past year, and it's been looked at extensively, is schools really can manage this, and it's really important for kids to be in school.

There is a lot of damage to kids to not being in school and trying to study and learn at home. They miss out on a lot of social interaction, and it's hard for them to maintain attention. There are just many studies showing this, but it's also been shown that if protocols are followed, and schools are very institutionalized settings so it's easier to implement those, they've actually managed it quite well with low rates of transmission. But, that was under the scenarios where there was consistent mask use universally in school settings. So, how high that will go, we don't know. Again, Delta, it's a new animal, and it has a lot of unpredictability. We were hearing from some pediatricians about what they're seeing day-to-day, and we are seeing a fair number of teens and some pediatric cases. MIS-C is a real concern and growing. So, all things said and done, I think I would personally, based on my experience and what I've studied and read, think that mask use is a good strategy to go forward with."

Mayor Tecklenburg said, "Thank you, sir. Any other questions?"

No one asked to speak.

Mayor Tecklenburg said, "Thank you, Dr. Sweat. And thank you, Councilmembers, for coming together to hear this latest update and consider a resolution this evening. It's already been well described how the Delta virus variant is at least twice as contagious as what we've seen before. It's kind of like a wildfire. We've seen all the numbers of cases of hospitalizations and even deaths go up in the last month in South Carolina. I don't think this is an exaggeration. This is real. It's clear from the CDC, from DHEC, from our healthcare partners and professionals that vaccination is a first line of defense, but that masking would be the second line of defense. We have for your consideration a Resolution tonight to urge all our citizens, children over two, to wear masks in school starting next week when they attend school, to urge all citizens, vaccinated or unvaccinated, when they're inside an enclosed building, an enclosed area, and around other folks, that they wear masks. We're encouraging everyone who's not vaccinated to please get vaccinated. We're encouraging the FDA to please make the final determination on the vaccine so that children under 12 will be able to take the vaccine. These are the things in the resolution.

I know a number of our citizens' comments and some of our medical healthcare professionals would prefer us to have a mandate rather than a recommendation. This is an urgent recommendation. I must share with you that I and we, as a City staff, have considered a mandate. Enforcement, you all, is a real issue given the box we've been put in by the legislature with the budget proviso that they've passed, that you've all been reading about, and how the City of Columbia and the Attorney General are kind of clashing with each other. That extends, by the way, all the way down to our school resource officers, who are partially funded by State funds. Once again, when you really consider the practical matter of enforcement, a mandate is a very difficult thing to do, if not impossible. We saw Monday evening, we were waiting to see what the school district themselves would do, and even though the administration of Charleston County School District would recommend mask wearing, they're not in a position where they can require it. I would prefer as Mayor and we, as a City, to not end up in an argument about mandate vs. requirement and lose the impact that we might have to convince one more citizen to go out and get vaccinated, to convince one more parent to consider this information and the healthcare ramifications and ask that their child mask up when they go to school next week.

The thought behind this Resolution is for all of us to be on one page, on one message to our community about public health and not about politics and to ask folks to do what our

healthcare professionals are recommending, and that's to go out and get a vaccine if you haven't gotten one yet, and regardless, for right now while this Delta virus is so contagious, to wear a mask indoors. That's what CDC, DHEC, and everyone is recommending. By way of explanation, I wanted to share that with you and would gladly entertain a motion to approve this Resolution."

Councilmember Mitchell said, "So moved. I move that we approve the Resolution."

Mayor Tecklenburg said, "Thank you, Councilmember. Do we have a second?"

Councilwoman Jackson said, "I'll second."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "Thank you, Mr. Mayor. I think this is a good compromise. There are definitely people in our community that are going to send their kids to school without wearing a mask. I mean, it's going to happen. Our governor, our State legislature made decisions that we have to abide by, but for all of the people out there who think that this is a mandate, it is not. It is a City politely asking people to go get vaccinated and wear masks indoors. That's all we're doing is asking you to think about your neighbors, and I think that's a very fair thing to do. I think that we would have some trouble if we tried to mandate. I think that we've, like you said, we've seen in Columbia that that is a contentious issue that I don't think we should be getting involved in, and we certainly don't want to put our school districts, Charleston and Berkeley County, at risk of losing public funding because of a decision that we have made. So, I think that this is a very, very courteous and good compromise. The people that don't want to wear masks or the people that want to send their kids to school without, they still are able to do that. Like you said, if we can convince one more person, that that's the right thing for them to do, I think that's a good compromise. I understand that some people will probably never get vaccinated. I'm certainly never going to be supportive of us forcing people to get vaccinated. I just don't think that government intervention is a smart thing to do, but in this instance it's a good compromise for our community. Thank you."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "Mayor and my colleagues, I think people need to start taking this thing very seriously. My daughter, who works for Roper, tested positive. My grandson tested positive today. He's only two years old, and he tested positive for COVID-19 today. You better take it very seriously. People understand what's going on, but this is a very serious matter. When she called me today, it blew my mind because he's only two years old, and then what would happen from this point on? People say they don't want to do this, they don't want to do that, but they need to take it seriously. That virus is coming, and people are dying from it. It's not a fake thing. You can see it happening every day. I've had too many friends that have died from COVID-19 that didn't have any underlying conditions. It just happened. I'm saying we need to take this very seriously. They have another child, she's only four months old. The daycare she goes to was shut down twice because people in there had COVID-19. They don't know where they got it from. That's all I want to say on that, Mayor."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilmember Sakran.

Councilmember Sakran said, "Thank you, Mayor. I just want to say I appreciate your leadership over the process for the past 18 months, and I'm proud that the decisions we've made have kept the City safe, much to the chagrin of many in the community. I think we've done a great job. For those on Council, I would say sit back for a few minutes because this might be a lengthy comment. I've been thinking about this for the past 18 months, and I'd be remiss if I didn't share my thoughts as a parent of two children in our public schools and as someone that's worked in public education here in Charleston for 10 years. I would be remiss if I didn't share my thoughts. It pains me that we find ourselves at this point. Let me begin by saying I acknowledge the difficult position our local school board and superintendents are in right now as the Governor and the Attorney General threaten them with lawsuits and reductions of funding if they don't adhere to the governor's mandates. That's crazy. If it was up to the school board and our school districts, they would be taking action.

Let me also say, I respect the individuals who don't want to get vaccinated. This might anger some of the folks who are for masks. I'm trying to understand. I really am. I'm trying to understand those individuals that don't want to get vaccinated or believe their child has a right not to wear a mask. We all know that wearing a mask is uncomfortable. It fogs up my glasses, and it's difficult to breathe. When I got the vaccine, I thought I would be able to toss that mask out, and I did. To those that opposed our former mask mandates and now oppose any discussion about mandating children under 12 to wear a mask, I just want to state that I respect your opinion. I really do. I'm coming from a place of shared, mutual respect. I'm not trying to be condescending. The issue, like so many others in our Country, has divided us, and it doesn't have to be divisive.

In my heart, I really do believe if we all agree that keeping our kids safe and healthy is our top priority, and we started with that shared vision, the debate about masks or not wearing masks would seem trivial. Let's start with that shared vision to keep our kids safe. When it comes to our children, especially those that aren't vaccinated, we should always err on the side of caution. That is the creed of working in public education with our students – err on the side of caution. I'll also acknowledge that there are instances where mask wearing amongst our children is not practical, and we have to work with those parents on a case-by-case basis, but it has to be documented by medical professionals. I just want to acknowledge that there are cases when children cannot wear masks. I want to acknowledge that. Having said that, a vast majority of students, including my own daughter, wore a mask all last year, and she suffered no ill effects other than the messaging she heard on the local news and the adults in her life making an issue when there was none. That's a fact. She wore it, she accepted it, she didn't want to wear it like her dad, but she did it because she did it for her classmates.

Let me just say, while I respect the opinion and understand their concerns regarding vaccinations and mask wearing, this doesn't negate the fact that wearing a mask reduces transmissions. That's a fact. We have a year of data that demonstrates the efficacy of mask wearing. I also want to acknowledge me spouting off these facts or data is not going to change anyone's hearts and minds. Sadly, this has become a cultural and political issue where our emotional connection to the fight sadly overshadows our ability to think holistically and use data to inform our decision making.

Many argue that being forced to wear a mask violates their constitutional right to liberty. I think it's a mistake to think of liberty as absolute self-indulgence without restraint. We don't have the liberty to set our house on fire, do we? The reason we don't is because we have neighbors. This is the same principle, yet some just don't see it that way. To all those claiming the mask mandate runs counter to our founding fathers and the Constitution, I say this, look back in history.

There are several examples where our founding fathers restricted certain freedoms when they fought to contain diseases like smallpox and yellow fever in the late 1700s. This is all documented.

As someone who works in education and speaks directly to teachers, students, and parents every day, I can honestly tell you that a majority of teachers welcome the mask mandate, and an overwhelming majority of parents and students support it. As a reminder, the State of South Carolina currently requires all parents to have their children vaccinated for polio, hepatitis, whooping cough, chickenpox, and measles. These vaccines are required for school attendance now. It's widely accepted that the point of these requirements is to protect students. Why is a mask mandate any different? Mandatory immunization of school children clearly intrudes on or burdens parental autonomy. I get that, yet both the protection of children from infectious diseases and the ensuing herd immunity allows that to make sense. We do it because it protects our kids. This is how we beat polio and whooping cough, and this is how we can beat COVID-19. There is no difference. I'm almost done, Councilmembers, but it's been 18 months, and I feel like this is important.

I'm going to freely admit that we don't know exactly how the Delta variant will affect our kids, but data from school districts that just opened up suggests we're seeing increases in hospitalizations amongst our children in places like Texas. ICUs are full. I'm not trying to raise the red flag. Based on what we heard today, I think we could see, over the next two months, an increase, and then it might slightly drop off, but we are going back to a situation where our kids are going to be in school buildings in close quarters with other kids. Schools can do a good job of maintaining proper protocols, and we did that last year. Social distancing and masks created a situation where we didn't have to close schools. This is where I'm going to get to my last point.

If we have to close schools, this means students are going to be home again, which will disrupt parents' work schedules, which will disrupt our local employers' ability to get back to normal operations. So, when I hear all the talk about how we support small businesses in the local economy, I'm going to tell you the best thing to do is get vaccinated and institute a mask mandate for our children, so we don't close schools. If we close schools, parents are forced to stay home. Lastly, let me just add one more thing about school closures and remote learning and speak to this through our equity lens. When schools close, the students who are well-resourced, like my kids, are going to be fine. The parents will hire a tutor, pool their resources with other families, and hire a teacher. Many of these families have reliable internet access and several digital learning devices at the house. When the nature of your job allows you to work from home and supervise your child's learning, the impact on the family is far less disruptive. Those that work in our restaurants, hotels, and grocery stores, they don't have that option. Neither do our Police officers, firefighters, nurses, doctors, and teachers. When duty calls, they respond selflessly. The data is clear that learning loss in Charleston County last year was extensive. Unfortunately, most of that learning loss occurred in communities of color. If you're a ten year old child whose family doesn't have consistent access to internet, and both your parents cannot afford to simply stay home and supervise you, it's pretty clear to see why school closures have a disproportionately negative effect on our black and brown students. We should be doing everything we can, using evidence-based approaches to do what we did last year, which was keep schools open and keep kids in the classroom learning, not remotely. I think we have a responsibility, as a City, to step up. Our local community deserves leadership on this issue, and before it's too late, we're going to find ourselves playing catchup. This is my last point. What kind of lesson are we passing on to our kids when we actively promote our individual, immediate wants over the good of the community and common purpose? Mayor and Council, thank you for giving me this time to express my position on this issue. Thank you."

Mayor Tecklenburg said, "Thank you for that, Councilmember."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "I am so glad to go behind my colleague, Councilmember Sakran, so I will primarily just strongly associate and gratefully support his word. One small, but very important part to our family, the personal experience that Councilmember Mitchell and Councilmember Sakran have just expressed to us and to our public who are watching, my family has two public educations, our two daughters, one at the College of Charleston and the other one at a high school in West Ashley. Our grandson, who's going to be going into preschool this year, is susceptible to everything that we've all just been educated about by Dr. Sweat and heard about anecdotally from those of us who have children in our family's lives. Mayor, I know you have the same situation. Honestly, I don't understand the thinking that is ignoring the personal safety of this. It really is just foreign territory to me. I think Councilmember Sakran said it well that when are we going to be the models for our children to understand that they are being trained up as citizens of our great Country to sacrifice some of their own personal liberty in order to achieve the common goals that are the right thing for our community at the right time? This is one of them. I really didn't even think about how we just made our doctor's appointments when my kids were little and went off and got their shots updated or dug in our files and made sure that we could prove that they were up-to-date with their vaccines. I mean, it makes no sense that people should be resisting to have to do that. In the case of the younger children, now the only way we can protect them is to wear masks.

Dr. Sweat gave us a really good, holistic, and thorough presentation of all the latest data and statistics and the core of the analysis about all of that, but the one thing that I wrote down as he was speaking, in looking at the U.K. and India and Missouri, I think it was, is that he said the high numbers of a spike require people, or basically, compel people who are experiencing that spike to take reactive precautions, and then that ultimately brings the spike down. So, we in Charleston and under your leadership, Mayor, and under the willing votes of our Council, we were reacting to news that we were getting from the west coast a year ago in early March. Then we saw the numbers coming to Charleston, so we reacted quickly to what we saw and were able to bring our numbers down way ahead of other localities in our own State and certainly up and down the Country where people were not reacting so quickly.

I know I'm going to vote for the Resolution tonight because I know that's the only legal avenue that we have before us on the agenda, but I thought we were also going to talk about adding an agenda item on Tuesday night, which we have our own operating rules to be able to do, that would then take up a required mask ordinance. Yes, the school system is in a box right now, and so are we. We can't refund our school resource officers in time to pay them outside of State funding. Maybe if we need to take that step, we can figure that out in the short term, but right now, I think we could take up an ordinance on Tuesday night that would at least require masks back in the City in public inside places that we have control over by our laws. That would protect kids in preschool and daycare. That would protect kids that are coming back to the College of Charleston and going out and about and wanting to be together as they start their school year. I would be happy to vote for such a requirement. Seeing the comments, yes, they were nuanced, but in my count, as I went through them this afternoon, basically, we had 44 written comments. Thirty-three of them were asking us to take action to require masks in our City, whatever the differential of how they were approaching that. Thirty-three and 11 people said no. I think that's a pretty good percentage, 75% representative in that quickly organized set of comments. As you said, Mayor, the word just went out at the end of the day yesterday, and comments were due this afternoon, so in less than 24 hours, we've had very strong comments from a representative body

of people. I think we should take that seriously and take up an ordinance on Tuesday night. Thank you.”

Mayor Tecklenburg said, “Thank you.”

Mayor Tecklenburg recognized Councilmember Brady.

Councilmember Brady said, “Thank you, Mr. Mayor. I want to give credit where credit’s due and thank you and actually Governor McMaster for encouraging vaccine use among all those who are eligible. I want to point out, and I’ve been hot under the collar about this today, and normally when we find ourselves having to wade into these issues, I wrote out a prepared statement, but I’ve just been so hot under the collar that I wanted to speak a little off the cuff. I have some notes here. I want to note that we find ourselves here because of our State Legislature. People may be asking how that comes to be. Well, there’s an election next year, and there is a base in a partisan election that has to be placated based on circumstances that they find themselves in, as well. They’re forcing distasteful decisions down to municipalities in an effort to force municipalities to vote on these distasteful decisions in order to ward off challengers going forward. They love Home Rule when they can ward off the Federal government, yet conveniently ignore it when it is convenient for them, meaning they hamstring local school boards and municipalities. I think most people would agree that the government that governs best is the one that is closest to you. I think we all inherently know that. I just want to point out that Attorney General Wilson joined the lawsuit for Texas challenging other states’ electors in this past election.

The U.S. Constitution, and I’m not a constitutional lawyer, but I did take civics. It’s crystal clear that States get to choose the time, manner, and qualifications of electors. That is a State’s decision, yet our Attorney General joined another State to challenge another State’s electors. If you took a look at the budget proviso, it was so hastily written and so badly worded it just defied logic. His opinion indicated that because the proviso specifically said it was for schools, it did not mention municipalities, and his opinion referenced that the intent of the legislature, that’s not his to determine, that is a court’s to determine. So, my suggestion, I agree with Councilmember Griffin, I like the recommendation. I think there’s going to be market solutions that are going to come out where insurance companies are going to begin raising premiums on people who aren’t vaccinated, and employers are going to begin requiring vaccinations for their employees, and there’s going to be a market correction that’s going to lead to increased vaccinations. I’m wearing my 9/11 pin today because it’s 30 days until 9/11’s 20th anniversary. I hope that we will all remember that at our September meeting, but I also hope that for the brave New York City firefighters and New York City Police officers and everyone that fought in the War on Terror to keep us safe, that those sacrifices weren’t in vain, and we will mask up. I was at Target today. Over 70% of the people, I was keeping count as I was going down the aisles, including myself, were masked. I think that people understand it, and I don’t think we necessarily have to have a mandate, but the recommendation is a great step forward. I thank my colleagues and hope we can move forward together.”

Mayor Tecklenburg said, “Thank you, Councilmember.”

Mayor Tecklenburg recognized Councilmember Appel.

Councilmember Appel said, “Thank you, Mr. Mayor. I first want to give thanks to Dr. Varadi, Dr. Mack, Dr. Sweat, and all the other medical professionals that I’ve had the opportunity to speak with over the past week. Look, here’s where I come down on this. I don’t think politicians, State or local, ought to be making public health decisions during a complex, evolving, global pandemic. Those decisions should be made by public health experts and school administrators with input

from parents. Unfortunately, a handful of State legislators in the upstate, who are frankly known for their extreme ideological views, believe they know what's best for Charleston and have decided to play politics with the health and safety of children. Their now infamous budget proviso was inserted and adopted before the Delta variant hit the scene. Just think about that for a moment. These so-called small government, pro-life politicians believe they know better than the CDC, DHEC, the Department of Education, pediatricians, and local school boards and administrators.

In my view, this is an outrageous assault on Home Rule, medical science, democracy, common sense, and common decency. I think we should follow the City of Columbia's lead and adopt an enforceable mask ordinance for kids 12 and under. I've looked into the legal issues, and in my view, this issue is not nearly as black and white as Attorney General Wilson suggests. I have respect for Attorney General Wilson, but he is a Republican politician, he's not a judge, and his opinion is just that – an opinion. Councilmember Brady, you stole a little bit of my thunder, but I was going to say this is the same Attorney General who signed on to a lawsuit brought by the State of Texas to throw out the results of the 2020 presidential election. I say this just to keep his opinion in perspective. A neutral, legal opinion that can only come from a court, that's the only body that can conclusively decide the law on this issue. I think this is a legal fight worth having. We're talking about the health and safety of our kids for crying out loud.

I support a mask mandate and joining this fight. It's worth it. Let's do it. I'm ready to do it tonight. We can amend the ordinance by a two-thirds vote. I'm not sure we've got those votes. I'd like to see perhaps if we do, but if we don't have it tonight, I certainly support us putting something on the agenda for Tuesday to make this mandate enforceable. You've got municipalities all over Texas doing this. You've got municipalities all over the Country doing this. They're defying these political grandstanding moves by governors and state legislatures who have no business getting involved in this issue. I think the City of Charleston should join that fight. Thank you."

Councilmembers Delcioppo, Seekings, and Shahid were excused from the meeting at 6:04 p.m.

Mayor Tecklenburg said, "Thank you, sir."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Thanks for that, Councilmember Appel. I agree with you totally. I think this is one of those situations that I would call good trouble. I think it's something that we need to take on as, one, the largest City and, Mayor, this is not the first time that we would be taking on something that's unpopular. We've led this fight before. I do think that we should move forward with a mask mandate in all public buildings, and that includes schools. I have no problem supporting that. I think when we start making decisions with regard to the lives of our children and the benefits of our children, I really think that we're really off course, Mayor. I think that this issue is serious enough for the City of Charleston to take a leadership role to say that our children come first. I think it's time for us to join the fight and the battle. Let's get in some good trouble, folks. I think it's time for us to let folks know that the City of Charleston is going to put our children first, regardless of what the consequences may be, legal or otherwise. I think we need to send that message as the largest City and as a City that's the leader of this State. I think so many others will follow our lead if we move forward with a mask mandate for all public buildings, including schools. Let's see what happens. That's just good trouble, folks. Let's get in some good trouble. I'm ready. Thanks, Mayor."

Mayor Tecklenburg said, "Thanks. Anyone else before I go back to Councilmember Griffin?"

No one else asked to speak.

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "Yes, sir. I have a question for Mr. Johnson."

Mayor Tecklenburg said, "Yes, sir."

Councilmember Griffin said, "Based on the Governor's Executive Order banning local municipalities from enforcing a mask mandate and based off of the budget that was passed by our State Legislature, what grounds would our City have to stand on to vote on a mask mandate or making people wear a mask?"

Wilbur Johnson said, "Well, first, might I ask whether or not this is a subject we might want to take up in Executive Session?"

Councilmember Griffin said, "No, sir. I don't see why it would need that. It's public information, and I'm asking just for your legal opinion on whether or not you think that we would be going against what has already been presented on the State level."

Mr. Johnson said, "If the question then is whether or not the City of Charleston could pass a mandate for the wearing of masks in public schools and whether or not that would violate the budget proviso that has been referred to earlier in this conversation, yes. The budget proviso purports to preclude any mandate for the wearing of masks in public schools where State funds are used to enforce the mandate."

Councilmember Griffin said, "I've just got one more question. You answered my question. Thank you so much. One follow-up question, back in May the Governor had an Executive Order that said that no local municipalities could use a State of Emergency or could create a mask mandate. If a City has an ordinance of that sort, are we required to follow an Executive Order coming down from the Governor?"

Mr. Johnson said, "My belief is that the City has the authority and had the authority at the time, to pass the ordinance that it passed that required the use or the wearing of masks in the City buildings and so forth, if I understand your question correctly."

Councilmember Griffin said, "Well, back in May as soon as the Governor put out his Executive Order banning local municipalities from having a mask ordinance, we then retracted ours immediately."

Mr. Johnson said, "Yes."

Councilmember Griffin said, "That Executive Order is still in effect, so I'm confused as to why our City Council feels we can now put one back. Councilmember Appel, do you have something to say? You're distracting me."

Councilmember Appel said, "I was just saying the Governor's Executive Order has expired. It's no longer in effect."

Councilmember Griffin said, "When did that expire?"

Mayor Tecklenburg said, "I'm not sure. Mr. Johnson, do you have any follow-up? The point that I've heard before, Councilmember Griffin, is that his Executive Order said that we couldn't base a mask ordinance on his State of Emergency. Correct me if I'm wrong, Counselor, but we do have the authority, if we so chose, to enact a mask mandate in our City. By the way, on an administrative note, we have gone back to Phase III of our own protocol for COVID-19, which includes a requirement for masking in our own City buildings and facilities. That went into effect this past Monday, but I do believe we have the authority to enact a mask ordinance generally although you might have to exclude school buildings because of the budget proviso. That's the way I understand it. Is that correct?"

Mr. Johnson said, "Yes, I would agree with that interpretation, and I think the Governor's Emergency Order expired earlier this year, if I'm not mistaken. I can't recall precisely when."

Councilmember Griffin said, "It wasn't an Emergency Order, it was an Executive Order."

Mr. Johnson said, "An Executive Order. I can't recall precisely when it expired, but it did expire or has expired. But, I do believe that a city generally has the authority to enact the mask mandate that the Mayor just alluded to."

Councilmember Griffin said, "Okay. Well, I appreciate your opinion on that. My follow-up is just that I have a hard time believing that our Council would be willing to put our school district's funding, the mechanism that allows our kids to go to school, at risk by defying that. I don't think that's good trouble. We're actually doing the exact opposite of what we're saying we're trying to do, which is send kids to school. By completely defying that legislature's budget and by trying to say that we're going to make people wear the masks, we are actually putting our kids at risk of having teachers in the classrooms and getting that funding. So, to me, that's ridiculous that we would even consider that, but if that's the path that we're going, I'm on a completely different wavelength than you all. I thought we were in here to come up with a good compromise, but I can see that's not really the case so, I'm really going to have to reconsider where I'm going to vote on this."

Mayor Tecklenburg said, "So, could I suggest we move ahead and call the question on the Resolution? It's clear at our next Council meeting that this discussion can continue. In the meantime, we're going to watch the numbers carefully and see what happens every day and keep our options open. I do want to repeat one thing I said before, and I did not want our discussions to devolve into the politics of all of this and keep us all on one page about preaching the message amongst your constituents, however you can, that the importance, the real fundamental important thing, is for our citizens to get vaccinated and wear a mask despite the rules and regulations about all of this, so unless there is a further compelling comment, I'd like to call the question."

No one else asked to speak.

On a motion of Councilmember Mitchell, seconded by Councilwoman Jackson, City Council voted to approve the following Resolution:

A Resolution strongly encouraging citizens and visitors to follow CDC guidance regarding the masking of children under the age of twelve (12) and encouraging all citizens and visitors over the age of twelve (12) to get vaccinated and heed guidelines of the Centers for Disease Control and Prevention in the City of Charleston to reduce the risk of exposure to COVID-19 during the public health emergency and recovery.

The vote was not unanimous. Councilmember Griffin voted nay.

Councilmembers Delcioppo, Seekings, and Shahid were not present for the vote.

Mayor Tecklenburg said, "So, our next meeting, as you all well know, will be next Tuesday at 5:00 p.m. At this point, we're still planning on meeting in person with masks at the Daniel Island Recreation Center. Is there anything else to come before us this evening?"

Mayor Tecklenburg recognized Councilmember Brady.

Councilmember Brady said, "Thank you, Mr. Mayor. I just wanted to say, as it occurred to me while we were talking about this, that if Attorney General Wilson did challenge the City of Columbia in court, I wanted to ask Mr. Johnson would there be anything to prevent us from filing an amicus brief in support of the City of Columbia?"

Mr. Johnson said, "I would not be aware of any impediment to the City filing an amicus brief in support, assuming the Supreme Court takes up this issue. I see no reason why the City could not file an or seek to file an amicus brief."

Councilmember Brady said, "Okay. Thank you."

Mayor Tecklenburg said, "Alright. Are there any other final comments or questions?"

No one else asked to speak.

Mayor Tecklenburg said, "If not, we'll see you next Tuesday if not sooner. Thank you again, Councilmembers, for coming together for this important update and this discussion. We needed to have this discussion. Thank you very much."

There being no further business, City Council adjourned at 6:13 p.m.

Jennifer Cook

Clerk of Council