

Aiken City Council MinutesREGULAR MEETING

July 13, 2020

Present: Mayor Pro Tem Price, Councilmembers Brohl, Diggs, Girardeau, Gregory, and Woltz. Mayor Osbon was present by phone.

Others Present: Stuart Bedenbaugh, Gary Smith, Kim Abney, Sara Ridout, Charles Barranco, Kym Wheat, Mike Przybylowicz, Ryan Bland, Gary Meadows, Shiann Sivell of the Aiken Standard, Channel 6 TV, Channel 54 TV, and 50 citizens with only 22 in the Council Chambers at the time.

The meeting was held in the City Council Chambers at 214 Park Avenue SW; however, the number of citizens that could attend at one time was limited to 22 persons because of the COVID-19 virus and the need for social distancing. The meeting was streamed live on the City's YouTube channel for the public to view and to comment by email.

CALL TO ORDER

Mayor Pro Tem Price called the regular meeting of July 13, 2020, to order at 7:01 P.M. Councilwoman Brohl read Psalm 91 and led in prayer. The pledge of allegiance to the flag was led by Chief Charles Barranco.

GUIDELINES

Mayor Pro Tem Price reviewed the guidelines for speaking at the Council meeting. Mayor Pro Tem Price noted that Mayor Osbon was present by phone. She pointed out that Mayor Osbon had a press release announcing that he has COVID19 and is at home.

Mayor Pro Tem Price asked that City Attorney Smith address Mayor Osbon's discussion and voting by phone. Mr. Smith stated that in 2012 Attorney General Allen Wilson issued an opinion in response to a request from the Bamberg Board of Public Works as to whether or not a state agency could hold a public meeting by way of a telephonic conference. In that opinion the Attorney General opined that so long as City Council complies with all of the other requirements under the Freedom of Information Act such as the notice, minute keeping requirements, and procedures set forth in the ordinance for telephonic meeting that would comply with the FOIA. The opinion also made it clear that the conference calls had to be open to the public, that sufficient notice was given as required, and that minutes of the telephonic meetings are also kept. With the understanding that this meeting was properly noticed in accordance with the Freedom of Information Act, that the meeting is being held in public, and that minutes are being kept, then he had issued the opinion that it is appropriate for Mayor Osbon to participate in the meeting by way of telephone.

Mayor Pro Tem Price stated she would be leading the meeting and Mayor Osbon was present by phone to participate in the meeting.

ADDITIONS OR DELETIONS TO AGENDA

Mayor Pro Tem Price recognized City Manager Bedenbaugh for any additions or deletions to the agenda. Mr. Bedenbaugh stated there were no additions or deletions to the agenda.

MINUTES

The minutes of the work session and regular meeting of June 22, 2020, and special meeting of July 2, 2020, were considered for approval. Councilwoman Diggs moved, seconded by Councilwoman Brohl, that the minutes for the meeting of June 22, 2020, and July 2, 2020, be approved as presented. The motion was unanimously approved including Mayor Osbon.

ORDINANCE 07132020CoronavirusCOVID-19MasksFace Coverings

Mayor Pro Tem Price stated an emergency ordinance had been prepared requiring individuals to wear face coverings in food and commercial establishments which are open to the public and other matters related thereto.

Mayor Pro Tem Price read the title of the ordinance.

AN EMERGENCY ORDINANCE REQUIRING INDIVIDUALS TO WEAR FACE COVERINGS IN FOOD AND OTHER RETAIL AND COMMERCIAL ESTABLISHMENTS WHICH ARE OPEN TO THE PUBLIC, AND MATTERS RELATED THERETO.

Councilwoman Gregory moved, seconded by Mayor Osbon, that Council approve the emergency ordinance requiring face coverings in food and other retail and commercial establishments open to the public.

Mr. Bedenbaugh stated at the July 2, 2020, special meeting Council approved a resolution strongly encouraging the use of face coverings. At that meeting Council directed staff to bring an emergency ordinance to Council for consideration requiring mandatory masks. The use of masks would be required in retail and foodservice establishments with exemptions noted in section 3. The ordinance would be in effect for 61 days and would take effect at 12:00 pm [noon] on Friday, July 17. To pass the ordinance would require a minimum of two-thirds vote of Council which would be 5 of 7 voting Councilmembers. The ordinance would require businesses to contact Public Safety if patrons fail to comply with the ordinance. The penalty is trespassing, a misdemeanor according to the SC Code of Laws.

The ordinance does allow for exemptions, listed below:

1. In outdoor or in enclosed areas in which social distancing of at least six feet is possible.
2. For people whose religious beliefs prevent them from wearing a face covering.
3. For those who cannot wear a face covering due to a medical or behavioral condition.
4. For children under the age of ten years old.
5. For patrons of foodservice establishments while dining.
6. In private, individual offices.
7. When complying with directions of law enforcement officers.
8. In settings where it is not practical or feasible to wear a face covering.
9. While walking, when doing outdoor or indoor physical activity.
10. Public Safety officers or other first responders when not practical or engaged in a public safety or emergency nature or persons engaged in repair, installation or maintenance of infrastructure.
11. While exclusively with members of a family or the same household, and no person other than such family or household is within the same enclosed area.

Should Council pass this ordinance, during the interim period before implementation, City staff will communicate this with the public in multiple arenas, including personal visits, print, electronic, mailings and social media.

For Council consideration is an emergency ordinance requiring individuals to wear face coverings in food and other retail and commercial establishments which are open to the public and matters thereto.

Mr. Bedenbaugh stated staff had received a number of comments. The number received as of 7:12 p.m. is 84 comments. The number of comments received will be entered into

the record, but unless Council wishes, they will not be read into the record. The comments will be placed with the permanent record which will be available for public review. Of the 84 comments 49 are in favor of a mask ordinance, 33 are opposed to a mask ordinance. 51 people disclosed their name and address as required for public comment. Of the 51 people 30 reside within the city limits.

Mayor Pro Tem Price asked for comments from the audience. She noted the comments must be kept to 5 minutes and when a person makes their comments they need to leave the room to allow others to come in who want to make comments. She asked that speakers not repeat what others have already said.

Mr. George Hummert, 14 Inverness West, stated he had sent comments by email to staff and Council during the week. He said his recommendation is that Council adopt the emergency ordinance requiring masks for three reasons. 1. Asking the public to do the right thing is not enough. His observation is that most people are wearing masks in public places, but not all. Having an ordinance would bolster businesses' requests for mask wearing and the proprietors can refer to the city's mandate if a customer questions the need to wear a mask. 2. The nature of COVID – 19 pandemic is characterized by a one to two weeks delay between infection and serious complications. What happens today will not become evident for several weeks. During that time infections will continue to multiply. Dealing with the problem now would be easier than several weeks from now. The problem will be on a larger scale later. 3. He urged Council to err on the side of containment. Given all the unknowns and unpredictable variables the optimum path forward is impossible to predict. He said he would strongly urge Council to consider on which side of the path we are heading—too little too late or too much too soon. Since we are not likely to make a perfect decision, he felt we should err on the side of containment, not expansion of virus cases. If we rely on individuals to do the right thing, he felt we would be erring on the side of virus expansion since we know beforehand that some citizens will not comply and some businesses will be reluctant to bar entry to those without a mask. He also pointed out that not wearing a mask is a constitutional right. Therefore, an ordinance mandating mask wearing violates an individual's freedom. He said he would remind those who make this claim that freedom is a concept that must be interpreted in context since almost everything we do is constrained by laws, regulations and codes. He pointed out there are many examples. We are not free, for example, to go without clothes in public. We cannot drive a car without a license. We cannot drive anywhere we like at any speed we like. We cannot build our homes without complying to building, plumbing and electrical codes. The notion that wearing a mask for public safety violates an individual's constitutional rights is fundamentally flawed in that our government is structured upon the principles and rights constrained by interpretations that are subject to continuous revision by elected officials.

Mr. Claude O'Donovan, 135 Elwood Drive, stated in his nearly 82 years he had never seen social chaos in so many levels. He noted all the things he had lived through from the Great Depression, World War II, etc. , but the reaction to COVID 19 virus across America tops them all. He wondered if this was going to be our life now. He felt we have traded one effort for another-- Freedom for an exchange for generated fear. The entire world is gripped in fear. If we had allowed COVID 19 to run its course while protecting those with health issues by quarantining them instead of quarantining the healthy folks and shutting down our entire economy resulting in 44 million unemployed, we most likely would have had a high spike in infections in the spring and developed a COVID 19 herd immunity. What we have done by flattening the curve has prolonged the fear to the point of insanity and resulted in another herd option. He felt we were overreacting to every media report showing COVID 19 infections. He pointed out many of the local businesses are hanging on for their lives. He noted the restaurants that are open are restricted to the number they can seat. Because of the fear, high unemployment, and high food prices, only half of the allowed seating is occupied. He pointed out that we are being forced to adopt an ordinance by the media generated canopy of fear. He pointed out that he had read the proposed ordinance and found it possibly the most sensible and least restrictive ordinance he had seen. However, he felt many would react by avoiding businesses in rebellion to the ordinance resulting in less revenue even more. He pointed out that city revenues had already dropped. He wondered if the city would

cut programs and capital improvements and still raise taxes. He said he realizes that COVID 19 is a real threat, but just how big a threat is it. He pointed out that DHEC had reported 228 cases in Aiken and 12 have died in the entire county of 170,000 population. He felt that was false reporting. He pointed out that as of Friday the local hospital had 13 beds occupied with COVID 19 patients, and we have panicked over it. He pointed out that we have severely damaged our business community resulting in more business failures and high unemployment. He pointed out that he had sent Council a video which notes that there is no mask made that will keep COVID 19 out of the respiratory system or keep it in if you are sick.

Ms. Kathryn Wade, 1010 Hayne Avenue, stated city leaders have been put in a difficult situation and these are hard decisions to make. She stated she felt that a spirit of fear has gripped our city. This spirit has turned us into some place she struggles with living in. People have become mean and angry and that is not a good thing for our city. She pointed out as a counselor she spends every day of her life helping other people. She said the idea that she does not wear a mask is that she does not care about people is ridiculous. She said she chooses not to wear a mask because she has a pulmonary disease which has affected her lungs, leaving her with less than 75% lung function. She said she realizes there is an exemption, but she wonders how that will look when she goes to a store. She noted that she has limited her exposure, going mostly only to grocery stores because she does not want to be exposed to things. She said her concern is if the ordinance is passed that she may have to deal with police officers every time she tries to go shopping. She felt that is a problem for someone who always tries to obey the laws, honors what our city does and chooses to do. She felt a mandatory mask requirement will be a problem for many people and will set our police up for interactions that will not be pleasant. She said she understands that we may have to do something, and if we do have to do something she would ask that Council vote for the emergency ordinance so there would be an end date in mind instead of an ordinance that could go on forever.

Ms. Debbie Nix stated she was born in Aiken and had lived here all her life. She pointed out that she would like to see a conversation between Councilmembers on what the statistics are. She felt we need to see what the truth is. She said there is a lot of good information pro and con and she had not seen a conversation about the statistics except for Councilwoman Brohl. She pointed out the statistics she had was 11 deaths in Aiken County. She noted that is .00066% of the 170,000 people who live in Aiken County. She pointed out that the Governor had recommended that masks not be mandated—they recommend, but do not dictate. She pointed out that the City of North Augusta had recommended, but did not dictate. She said if Council approves the ordinance, they will be mandating. She stated she had made some phone calls to small businesses. She pointed out that 27% said they would like to have masks in their businesses, and 73% said no. She pointed out that businesses are trying to figure out how they are going to pay off the loan from the government. She said they are dangling by a thread.

Dr. Kenneth Jones, with Rural Health Services, 2172 Trolley Run Station, stated he was present to give facts. He said that two studies had been done by Cambridge that have proved that masks help. He said we are talking about a second wave which will be much more vehement and more pronounced than the present wave that we have now. He said in the second wave the virus is mutating, and that mutation will be more vehement than the present mutation that we have, and it will affect more young people. He noted that in the news now we see kids are getting infected; teenagers are getting infected. The virus initially started out with the older generation, but that has changed. One study on masks showed the flow of oxygen coming from a person's mouth during talking. The respiration will go out 6 feet without a mask. With a mask droplets will adhere to the mask and drop within two feet. Masks are fine, but you still have to have social distancing, proper hygiene, and hand washing. Another study at Harvard was done with people with masks and without masks blowing on petri dishes to see what bacteria and virus would grow. The petri dishes that the people blew on without the mask grew much more virus and bacteria. He said he agreed with the City enacting an ordinance to mandate masks because of what studies have shown, and what literature shows. He said masks are not for people wearing them, but for other people. He pointed out a new mask will be coming out which has a special sensor that can tell if a person has coronavirus. He said we need masks in Aiken as it will help us in the long run. He said a second wave

is coming which will be devastating. He said he knows we are facing economic problems, but if you don't have the people to live in the area what good is economics. He said he had diagnosed people with COVID and seen people go through suffering with COVID. He said he knows there is a lot of pushback, but Council needs to have the general interest of the entire public. He said he has a lung disease, but he wears his mask every day. He said Aiken is a great city. He said let's keep our citizens alive.

Ms. Gretchen Iakovidis, 151 Atlas Drive, presented a petition from a group of citizens in favor of the mask ordinance. She said she has over 400 signatures on the petition. She said she hopes there could be more teeth to the ordinance at some point. One of the items in the ordinance 3.9 regarding walking indoors is vague and should be clarified so someone walking down a lane in Kroger could not say they were walking for exercise. Also, 3.2 of the exemptions regarding religions. She said a large group did research looking for what religions might denounce face coverings for religious reasons, but were not able to find any. None had any denouncements for face coverings for the health of the general public. It was felt that exemption should not be in the ordinance.

Mr. Gene Hart, 120 Inwood Drive, stated he runs two businesses in Aiken. He said he has concerns about the mask ordinance and was concerned after hearing Chief Barranco talk about some of the fines that could be charged and who will pay those and who is responsible for the fines. He said masks are expensive to the store owners, the City and County. To provide a mask for everybody who comes through the door can be quite an expense. He was concerned about who would enforce the ordinance. He said he was told that anybody can call the police to one of his patrons for not wearing a mask. He noted that a member of his family has sarcoid and does not wear a mask, and he wondered if she would be fined for being inside a restaurant without a mask. He felt there was no clear exemption in the proposed ordinance for those who have a health condition. He also pointed out that in his business at times the employees take their masks off to get fresh air. He wondered who would be fined—the employee or his business. He said his business has been open for the entire time of the pandemic and none of his 240 employees have tested positive for the coronavirus. He pointed out that they have used cleaning, washing hands, sanitizing hard surfaces, maintaining 6 foot distances, and doing everything according to CDC and DHEC guidelines. He said to start mandating that anybody can get a \$150 to \$1,000 fine and up to 30 days in jail is not a good thing for businesses in Aiken. He was concerned about enforcing the privacy rights of those who have medical conditions. He pointed out that Dr. Jones had just indicated that not all tests are accurate. He pointed out that results from some tests take several days which is an issue. He said these are some issues the employers have had to face throughout the pandemic and now they will have to deal with employees who are scared to come to work as they feel they will receive a fine if they get caught without a mask on. He noted that this pandemic has affected businesses and many have closed. He was concerned about the police being stressed out trying to run down claims of people not wearing masks. He said he had not received any information from the city regarding the proposed ordinance. He said his business was doing everything they can to stay open, and he felt a mask ordinance would make it more difficult on the employees, the business and customers. He felt it was not City Council's place to put this ordinance or this hardship on businesses.

Mr. John Wade, 1180 Cornish Street, stated he is a plumber contractor and his customers range from the 20's to over 90's age. They are many different colors; they have many different religions, many different political beliefs, some are very poor and some are rich. He said most of his customers want to talk about a variety of subjects and recently most want to talk about COVID 19. Their biggest concern is staying healthy. The problem is that no one seems to know the answer to which door being healthy is behind. Not knowing can make some people scared and reactive to any and all theories that pop up overnight. He said City Council has a very difficult decision to make regarding mandatory mask wearing. He said Council has several choices. He said he would ask Council to allow the business owners and the citizens of Aiken to make their own decision. If a business owner, property owner, or homeowner requires a mask to be worn, then a person has a decision to make and that is to either abide by the rules or not, to wear a mask or not. He asked that Council allow business owners and citizens to make their own decision without a mandate from government. He said if masks are mandated,

then some citizens would choose to spend their money in the County and in cities where government is not so stringent. He said the reality is that this would affect local businesses and their families. He expressed concern about the fine and the charge being on a person's record.

Mr. Keith Richardson, 347 Old Thicket Place, stated he felt some of the things others have said are important to take into consideration. He said he wanted to give Council some information that he has. He said he is a Chemical Engineer with over 20 years of professional experience in the pharmaceutical manufacturing industry. During that time he spent 11 years supporting vaccine manufacturing. He said he would love to debate the science behind virus transmission, effective filtration methods and proper personal protective equipment selection and use. He said the science around this specific disease and specific virus COVID 19 is very new and it needs much research to find out the answers to some very important questions. Until more is known about the SARS COVID, it is difficult to use specific scientific studies to make policy decisions. He pointed out that he did not envy what Council was having to deal with. He pointed out that public health issues around the country and states of emergency that we have been placed under in the past have in general been addressed using the least restrictive rules possible. He felt the proposed ordinance does not do that—does not use the least restrictive means possible. He pointed out that he felt the previous ordinance encouraging masks had made a lot of impact as he sees more people wearing masks. He wondered why Council would move from an ordinance encouraging use of masks in a two-week period to an ordinance requiring masks to be worn. He noted that the emergency ordinance is to be a 61 day mandate, and he did not see any language in the ordinance which is not an emergency to come out of the mandated ordinance. He pointed out that we started in April with a two week state of emergency and months later there is still no clear end in sight. He urged Council very strongly to leave masks as a recommendation rather than a mandate, because he felt it would be difficult to repeal it, especially since we don't know about vaccines or the science behind this, and there are a lot of unanswered questions. He felt we should rely on people's personal responsibility. Some people do dumb things, and they will continue to do some dumb things whether Council puts a mask mandate in place or not.

Ms. Amy Clark, 324 Snipes Pond Road, stated she came with a long list of things to talk about. Some of the things had been covered well. She hoped Council would take heed to some of the people who had come with some really wise words. She said she wanted to mention the fear factor that we are facing. She pointed out that what she saw and heard from the last Council meeting was fear. She said the comments made were all fear based, and that was concerning to her. She said she understands that, because she knows there is a lot not known about the virus, but there is a lot that should be reassuring. She said she is a health educator, and has a masters degree. She said she had spent a lot of hours reading and studying health related information from experts. She said there are things that we can do that we know are effective that help prevent the transmission of the virus, such as wash your hands, don't get near people who are sick, and stay home if you are sick. These things work, and we know they work. She said one thing in question is the mask idea. She said studies are showing that masks do not work and don't stop the transmission of the virus. The cloth masks that people are wearing are not effective. She said she had a hard copy of studies that she could leave for Council which say that the cloth masks are not effective. She felt that needs to be taken into consideration when Council is trying to mandate everyone in the city to wear masks all the time. She reviewed some matters of unintended consequences relating to wearing masks in the health respect. She asked that Council vote against the mask mandate ordinance.

Ms. Corey Harper, 1528 Pine Log Road, stated she had several articles about why masks do not work and why they are not healthy for healthy individuals. She read a poem she had found because she is a believer in liberty. It is called Bullying the Frog, it is Just a Mask. She pointed out that the statistics for Aiken County show that 89% of our people who have gotten ill with COVID have recovered, 11% are still considered sick, and 13 people have died in all of Aiken County. She pointed out that her health is not the City's responsibility, and other people's health is not her responsibility. She pointed out if she wears a mask, it is her mask for her health. She said she cares about her health, and

respects others, but others' health is not her responsibility. She said if she wears a mask or not, others' health is still up to them.

Mr. Kelly Hammond, 242 Green Tree Lane, stated masks don't work. He noted that 75% to 80% of the people in the room had touched their masks which makes the masks null and void. He said we should take our masks off and put a new mask on if we want to keep safe at this meeting. He noted that we have more people wearing masks, but the number of cases of the virus is going up. He pointed out that he had seen people wearing N95 masks on the streets, but those are supposed to be for hospital use only, not people out in the public. He pointed out that he goes to a church in West Columbia. They have been having church for five weeks. There are about 200 to 225 people. Only about 4 wear masks. They don't social distance; they hug; they eat meals together; and no one has come down with the virus. He said he plays volleyball on Friday nights with about 30 teenagers and adults. He noted that he has 5 children and 9 grandchildren so he cares, but he also has a mind, a conscience and knowledge. He pointed out that none of them had gotten sick. He pointed out that people who have been wearing a mask have gotten the virus so they don't work. He pointed out that we need to think about our immune system over masks. Instead of spending money on masks, we should be putting our money towards teaching people how to help their immune system which helps more than wearing a mask. More people are wearing a mask, but more people are getting the virus and yet we are here to approve an ordinance to mandate wearing masks. He asked how Council can mandate something on the people who elected them with something they are guessing is right.

Ms. Bethany Page, 911 Alfred Street, stated some people are saying they have a medical condition and cannot wear a mask. She said she has several family members who do have medical conditions that would prevent them from wearing a mask, but they are wearing masks because not only do they want to protect other people, but they want to protect themselves. She then reviewed several items in the proposed ordinance that she felt might need to be clarified more. She felt that people should wear masks.

Mr. Joel Clark, 324 Snipes Pond Road, stated he feels America is a great place and glad that, as a concerned citizen, he has the opportunity to come and address his concerns in public. He said he understands fear. He said this has been a really strange time for our country. He said he has six children. He said from the beginning he has been afraid for his family and wanted to make sure they were doing the right things to stay healthy. He said he was quarantined after his father-in-law tested positive for the virus which was his first brush with the coronavirus. A few weeks later he had vertigo and it took several weeks to get over that. He noted that wearing a mask now makes him feel strange and woozy. He said he was concerned about those who have a medical issue wearing a mask. He pointed out that you can't look at someone and know if they have a medical condition or not and you can't ask someone if they have a medical condition. He was concerned that the police may be called to someone with a medical condition for not wearing a mask. He felt a mandate to wear a mask can't really be enforced.

Mr. Kelsey Dodson, 177 Ashpoo Drive, stated he was present at the meeting when the resolution encouraging wearing masks was approved. He said since that time he has been around asking restaurants and businesses if they had received notice of the resolution encouraging the wearing of masks. He said none of them had received a notice from the City of Aiken regarding the wearing of masks. He pointed out that presently the CDC counts the cases of influenza, pneumonia, and COVID as COVID cases. He said we have talked about a resurgence coming in the fall with the addition of influenza and pneumonia, but we are already counting those cases now as COVID. He said he wonders how many of the numbers are actually COVID cases and COVID deaths. He pointed out that the DHEC statistics show that there is an 89% recovery rate in South Carolina. We are doing better than most people in the nation. Aiken County has a 98% recovery rate. He pointed out the deaths in Aiken County is 13 at this point out of 782 confirmed cases in Aiken County. He felt this is a very small fraction of what the entire State is going through. He noted that Aiken County is doing better than most counties in the state. Everything we have done has been working. Encouraging people to wear masks works for those who feel comfortable with them and those who feel they are in the risk percentile. He noted that he is an essential worker and has worked since the pandemic

began. He said if people ask him to wear a mask when going into their homes, he does. That is their safety; if they are choosing to wear a mask that is their choice. He said there had been no issue with people choosing and having the choice to wear a mask. He said there had not been an increase in deaths in Aiken compared to the percentages we have seen over the last few months. He said the CDC is about ready to take this off the pandemic registry as it is about to hit the level where it is no longer considered pandemic level by the total death percentages versus cases. The more cases tested, the more positives we get and the less deaths we have the less lethal the virus is showing to be. He said Council is charged with protecting the general interest of the public of the City of Aiken. He pointed out that in 2017 in the State of South Carolina the top deaths were heart disease 10,418 and cancer 10,356. He pointed out that there was a notice on the front door of the Municipal Building tonight that no one could enter the building without a mask. He said he was forced to wear a mask to the meeting even though he has a medical condition and trouble breathing. By CDC guidelines he is exempt from wearing a mask due to his medical condition and yet he was preventing from walking into the building until he was forced to put a mask on.

Jenny Diaz, 252 Mt. Calvary Road, stated she is Cuban, a U.S. citizen, an army veteran, a wife to a US Marine, and a business owner in Aiken County. She said she hoped she would be heard on behalf of all the silent voices of small business owners in Aiken County and the rest of the United States. According to the SCDHEC report of July 10, 2020, there are 177 patients on ventilators in the entire state of South Carolina. Also, in the report over one-half million tests have been conducted and over 80% of the positive cases have completely recovered. There are 8,099 occupied hospital beds in South Carolina and we only have 1,438 patients that have either tested positive for COVID 19 or under investigation for COVID 19. That is roughly 17% of the hospital beds being occupied by COVID 19 patients. Last year's influenza season, according to the numbers on the CDC, left one-half million hospitalized, 34,200 beds and 480 of those were children. The site also states that the flu was more than 35.5 million illnesses just during 2019. Nothing was closed; no masks were mandated. According to CNN the US economy added 273,000 jobs in February, 2020, many of which were in the food service industry. Just a few weeks later, it lost over 701,000 jobs and holding a record unemployment rate of 14.7%. She said she had witnessed firsthand the closure of businesses in Aiken, and it has affected families and children. The amount of cases in Aiken County cannot compare to those in Charleston, Columbia and Greenville. Aiken County should not have a mask mandate because of the number of positive cases and deaths in other counties or states. Aiken County cannot blindly follow what others are doing, but rather should have a team to look at the matter and make decisions that are working to what is happening in our county only. This virus is so deadly that the early hours of operation of super markets for senior citizens have pretty much vanished. Their health has declined because they have been shut in nursing homes without being allowed to visit family members which would boost their immune system if they could have a visit. All the looting and rise of non-mask members add not one case of COVID 19 to anyone's numbers. The ambience of City of Aiken has changed because we have blindly followed the herd. Children were taken out of schools and educations were destroyed because of this nonsense. Since March high schoolers have been at home doing nothing but feeding off the government terrors about a virus that has killed .001% in Aiken County. Most of the infections and deaths were in nursing homes. Why not spend the resources to find out what is happening there and how to protect those citizens better. Why not invest in more time and resources to build communities and teach how good nutrition and mental health status can help fight against any virus. She said keeping everyone at home, closing businesses and mandating masks does not help. She asked if next Council was going to mandate a vaccine just because everyone else is doing it too. She said being oppressed is when citizens have no vote, no freedom, and being infringed. She said people are scared to speak because someone in their family could lose their jobs. Social media could ruin their business. She felt we are losing our rights mandating face masks when the threat in Aiken County is minimal and feels it is over stepping the boundary and disregarding the human rights in this country. She said she was lucky enough to have come to this country and to be given the chances that she has here and to be able to have the freedom in the United States of America. It is terrifying to see the things that she sees nowadays. She was concerned about her freedom and rights and her right to not wear a mask if she chose not to. She said this is the best country in the world



where everyone wants to come to. She said there is no logical reason that masks need to be mandated in Aiken County based on the number of cases of the virus.

Mr. Ken Mayo, 98 Troon Way, stated he agreed with everything Ms. Diaz said. He said one thing that had become very clear to him is that overwhelmingly the people that have spoken are against mandating masks. He pointed out Council is representing the people. The people that have spoken are against mandating masks and are pleading with Council to represent them. The people who did not come either don't care or they don't know. He said Council is given a choice. He noted that every person in the room is an adult and can make decisions for themselves. He said he did not need anyone in a position of authority to tell him what to do. Everybody sees what is going on in our country; everybody understands the dangers; everybody understands the fear. He said we are creating in people's minds, looking at others, that they are somehow uncaring if they don't want to wear a mask. That creates a problem over and above the idea of fear and the virus itself. He said he had spent decades listening to people in our country on a particular issue screaming—"my body, my choice." He said he has health issues and understands the risk he takes, but he is willing to take it. He is an adult. He said he was appealing to Council to listen to the adults who have spoken to Council. He said Council is human beings like everyone else and have to make decisions like everyone else. He asked that Council be careful with the decisions they make because their responsibility isn't to grant the citizens rights; God grants that. Council's responsibility is to protect those rights.

Rebecca McGuire, 615 Court, stated she was very uncomfortable that the government is going to tell us what we have to do. She said she was okay with the resolution. She said she was fine with encouraging businesses to have people wear masks. Businesses can put stickers on their doors, and people who are not comfortable around people who are not wearing masks go to those stores and people who are uncomfortable around people who wear masks can go to the other stores. She said she did not like the idea of government dictating what to do. She wondered what kind of burden this would put on the businesses. If they don't call the police, are the businesses liable. She said it has been said to wear a mask to protect those around her. She wondered if that made her legally responsible for a stranger. She said if Council approves the ordinance, how will the citizens of Aiken be notified. She wondered if there would be a grace period. She asked what would be done about people who can't afford to get a mask or don't have the ability to get a mask. She said she had tried to get some masks for her husband to wear to work and there is a backlog to September. She asked if the City was going to provide masks for all the people who don't have masks so they can go to the grocery store. She asked about visitors to town. She wondered if they would be ticketed because they did not know we had a mask law. She said the word will get out not to visit Aiken because you don't know what is going to happen. She pointed out if it is to be done, treat it like a parking ticket. She asked why go up to jail time for not wearing a mask. She asked if extra police would be hired to write tickets for those not wearing masks. She asked if people who have health issues need to carry a card. She asked how the paper masks would be disposed of. She pointed out that being in a store for a short period of time reduces the chance of getting the virus there.

Mr. Nick Ingles, 911 Alfred Street NE, said he would like to make a few points. He said the masks in general do not stop the transmission of COVID. That is a given. What it does do is prevent the transmission of one's breath from over 12 feet to less than 2 feet. That coupled with social distancing and washing your hands is an effective means of stopping the virus. He said he personally was in favor of the mandate for a mask. Speaking on behalf of the Neighborhood Council of Crosland Park, all are in favor of the mask mandate. Given the exceptions in the proposed ordinance almost anyone can claim medical issues for not wearing a mask which is fine. He said there are a lot of reasons to wear a mask, and the only reasons he really heard to not wear a mask was personal freedom. He said he would leave with a quote from Spock: "The need for the many outweigh the needs of the few."

Ms. Haley Knight, 125 Yarrow Way, Executive Director of the Aiken Downtown Development Association, stated she was speaking on behalf of the members of the ADDA. She pointed out that many should have received a letter from her about a week

ago. She reviewed the letter which she had sent to Council earlier. She said the Aiken Downtown Development Association has had much conversation with the members during this time of uncertainty. She said she believes it is fair to say that none of us know what direction this pandemic is heading, but we are willing to take measures to ensure our community stays safe and strong. As of late they have attempted to survey all of their retail and customer service member businesses within the downtown regarding the requirement to wear masks before entering their businesses. After receiving feedback from almost all businesses, it is apparent that many businesses are already enforcing this at their store. The majority of the businesses that are not currently requiring masks upon entry are willing to do so if asked by the City of Aiken. She pointed out there are so many uncertainties right now. She pointed out that from speaking with some of the businesses, one of the main fears is not the virus, but the possibility of having to close and losing everything. Their business is their livelihood. There are numerous statistics that Council has heard over the years of what small business does for our community as a whole. She pointed out that many people who spoke tonight do not shop downtown. There are many other businesses, not just in the downtown. She said the downtown businesses have been able to survive because of the loan that Council approved and because of the PPP. She felt the businesses cannot survive another shut down, and that is the biggest fear at this time. She asked if we do get to the point of closure again, has Council been discussing anything in preparation of another shut down. Is there anything in place to help the businesses survive if there is another shut down.

Councilman Woltz pointed out that Council can't predict that yet. They are not experts, and have to do what they feel is best at the time. If there is another spike, we don't know how big it may be. Councilman Girardeau stated his prayer is that another spike and shut down will not occur. He said he felt we would be in sad shape everywhere if that happens again. He said businesses can't survive that. In response to a question as to how many businesses are in the downtown, Ms. Knight responded there are just under 100 businesses. She pointed out that from the survey that she made of restaurants, retail, customer service, etc. there were about six that she did not hear back from. Of the ones she did hear from there were two that were fearful of moving forward with passing a mandate.

Councilwoman Diggs stated we want to keep all our businesses open, and our prayer is that we don't have to have a shut down. She said she was concerned about some of the emails that she received where citizens said if they have to wear a mask, then they will shop somewhere else. She said if one loves this community, they will support the community. It will not kill someone to wear a mask for a few minutes to go shopping. Ms. Knight stated with Aiken being part of Main Street America and speaking on an everyday basis, other cities have received the same comments.

Mr. Eric Muhlbaier, 1570 Powderhouse Road, stated he was present representing Aiken Regional Medical Center. He said they protect our small businesses. Their part in protecting our small businesses is to keep our community safe. He said the masks would not stop things, but science says they would reduce the spread so why not follow science and work towards reducing the spread. He said they feel they have the moral obligation for each other. He knows that wearing a mask is not protecting him, but protecting those around him. He said he had known six of them all of his life, but when they are in close proximity wearing a mask he would be protecting them, and he felt they have a moral obligation to protect him. It is not just about wearing a mask or not, and the law around it, but the moral side of it. We feel like we protect businesses when we wear a mask to keep each other healthy. If we don't, we may be in a situation like we were in several months ago.

Ms. Mary Cohen Wittenborn, 224 Wisteria Drive, stated if we are going mandate wearing masks to protect other people to keep them safe and healthy and alive, are we going to look into doing a mandate to make abortions illegal. She said abortions kill a lot more people than the COVID virus will. Wearing masks will not save more people. She said abortion is the same principle that if we are supposed to wear masks to protect someone else's life, then why don't we protect other people's lives of the unborn. If you are going to do a mandate to protect other people, then why not be consistent and do a mandate to protect all lives not just people getting sick from COVID.

Mayor Pro Tem Price asked for comments from Council.

Councilwoman Diggs stated we have had 56,000 positive cases of coronavirus in South Carolina and 950 deaths. Worldwide we have over 137,000 deaths. She felt the virus is out of control. She said she was not talking out of fear, but talking about facts. She pointed out that the 1% that others had mentioned about having severe infection and only 1% have died, is no comfort to those who have lost loved ones. She pointed out that the evidence of deaths among African-Americans, is the highest. She was concerned about school starting back, but felt we are not ready for the schools to start yet and put our children in danger. She pointed out there had been deaths of children from the virus. She noted that children don't understand why they can't go to the movies or the park to play. She wondered what we are telling the children, that parents don't want to wear masks because of their constitutional rights. We need to be telling them that we are in this together. In the beginning we really acted like we were in this together, respecting each other and protecting each other. She said one may not feel that masks will help keep the spread of the virus down, but we need to do something. We have to do something and need to start fighting against the virus. She stated she felt we need to try the mask mandate for a few weeks to see if it will help to lower the curve of the virus. She noted that one item in the proposed ordinance is that children 10 and over should wear a mask. She stated she felt that should be lowered to 5 years old. She noted that a 5 year old had just died from the virus. She pointed out that we also have to consider that flu season will be coming up. She said she was just asking that the mask mandate be tried at least for a few weeks to see if it can slow the virus down. She asked what else can we do and if anyone else had a better solution as to what could be done to slow the virus. She said we want to keep our businesses open and want our economy to climb.

Councilwoman Gregory stated she appreciated everybody that came out and shared their information, their statistics, and their views. She noted that it is for sure uncharted waters. It is a very difficult position for Council. She said she had heard from hundreds of people by email, text messaging, phone calls, and in the community. She said she sees both sides, but right now we have an option of two ordinances—an emergency ordinance that takes place for 61 days and then goes away. It is a very reasonable ordinance. She felt that it does not infringe on anybody's rights. She said she was grateful to the City Attorney for putting well thought out language into the ordinance. She said she would recommend a few amendments. She said she was grateful to be surrounded by staff and professionals who have really considered every aspect of this very precarious, ambiguous situation we find ourselves in where we know nothing. She said she does know that as of late that she had heard from many medical personnel who had reached out to her and she reached out to them from Aiken Regional, from Augusta, some from the northeast and from various areas. She said she is not a doctor or scientist so she has to listen. She said they resonated this message to her. They asked that she take three numbers into consideration. If a COVID carrier does not wear a mask and they are near a non-COVID carrier that wears a mask, the contagion probability is 70%. If a COVID carrier wears a mask and a non-COVID person does not wear a mask, the contagion probability is now 5%. If a COVID carrier wears a mask and a non-COVID carrier wears a mask, the contagion probability is 1.5%. She said she takes two things from that statement from medical professionals and scientists. It is not about the death rate for which we are blessed that it is as low as it is, but it is still a death rate. It is about the contagion number that nobody wants to talk about. She noted that in the conversations tonight she did not hear about contagion numbers or percentages, but they are out there. She pointed out that Council adopted a resolution, but the comments resonated that we did not do enough to get that information out. Now we are here with an ordinance. There is an emergency ordinance that can take effect this week and curve the numbers, help the contagion, and help our community. She said the comments came from medical professionals. She noted that none of Council are doctors, but all are trying to do the right thing, and it is not easy. She said the doctors had spoken to her and those are the three numbers they are worried about. If we can curve that contagion number, we can make a difference. She said she is thinking the emergency ordinance is the help that we need. It ends; it is not infringing on anybody's rights. It comes to an end in 61 days, and it is the right approach. She said she did not think a two reading ordinance is the right approach because we never see the light at the end of the tunnel. She said she struggles because

everybody brought up some amazing points. She said she would mention three potential amendments that she would like to propose that the community brought to us today whether they were for or against the ordinance. One was under Exemptions No. 4 to lower the age of children from 10 to 5. The second was the ambiguous language in Section 3-9 regarding walking when indoor or outdoor physical activity. The third item was there was feedback by email and at the podium regarding the religions section 3.2. She said she did not know of any religion that did not allow wearing masks. She asked Mr. Smith, City Attorney, his opinion regarding religion.

Mr. Smith stated all the ordinances that we have seen and even the Governor's executive orders all made exemptions for religious activities. They even went so far as not to require churches to close their doors to their congregations although many did. Every ordinance he had seen that had been passed by a municipality and the orders of the Governor excluded religious activities. Mr. Smith stated he did not know of any religion that would prohibit the wearing of a face covering. He said he had not researched that issue for the presentation of the ordinance, but had seen the language in the other ordinances that have been passed throughout the state.

Councilwoman Gregory stated she felt the reference to religious beliefs preventing someone from wearing a face covering was a valid point as it was mentioned in many emails and brought up tonight. She said she would support the two amendments to the emergency ordinance and leave the item regarding religious beliefs up to Mr. Smith.

Mayor Pro Tem Price stated that Councilwoman Gregory had moved that the emergency ordinance be amended in Section 3.4 for children under the age of five years old rather than ten years old and in Section 3.9 to read "when doing outdoor activities."

Councilman Girardeau stated he had heard from a lot of people regarding mandating wearing a mask and that nurses and doctors have said that it won't work. He said he is a real estate agent, not a doctor or nurse. He said he was not smart enough to decide exactly what is the best thing to do. He said he thought that there is enough evidence out there that this won't work and the virus will continue as it is. He said he was not against people wearing masks. He said there was a resolution earlier, and we did not discuss the resolution but are now going to an ordinance. He said he felt we are selling the community short. He said he felt the community will respond and do it without having an ordinance that makes it against the law. He noted the proposed ordinance does not have fines or enforcement, but it is basically left to businesses. He said let's leave it up to the businesses to make the decision as to what they want to do. He felt the ordinance has a lot of holes in it. He felt we are ahead of ourselves and assume that the mandated ordinance will work and be the end all. He said you have to do what is proven by staying 6 feet apart and washing your hands works. The mandated mask is something in addition to that. It could help. He said he was not going to vote for either proposed ordinance.

Councilwoman Brohl stated she could not support the ordinances either. She said in listening to the people who spoke tonight, and hearing from both sides by email, she could not support the ordinances. She had a lot more opposed to the mask mandate. She quoted: "Those who give up essential liberty to purchase temporary safety deserve neither liberty nor safety." She said she heard the people who spoke at the meeting saying don't do this. I don't like this; I am giving up something; I am an adult; I will take responsibility; I believe in limited government and personal responsibility. Our citizens know that it has happened in Venezuela. One person called who had grown up in Cuba and was afraid to come speak. She stated it starts out with small things like we have to protect you; we have to take care of you. Once the power is seized on any pretext, it is rarely relinquished again. Councilwoman Brohl stated she could not support either ordinance.

Councilman Woltz stated his opinion is that when you hear the Surgeon General and everyone around him and the top experts in the country say there are three things that work to slow the spread of the virus, including social distancing, washing hands, and wearing mask, he could not argue with that. Those are the ones we look to for guidance. If we don't listen to them, why do we have them. He said there had been great arguments

on both sides at this meeting, and he understands the matter regarding personal liberty. He noted he thinks when he has to use his seat belt in his car, he is giving up some personal liberty. There are certain things that we have to do. To say that people are going to do the right thing, he guesses that means nobody texts and drives because all will do the right thing. We are not perfect. We need to have some guidelines to make our society work. He said the ordinance is not perfect. He still has some problems with them. He noted that both ordinances are the same. The difference is the amount of votes it takes to pass each ordinance. He noted that the ordinances do have a penalty. He said the ordinances have a much higher penalty than he had anticipated. He said Chief Barranco had stated the penalty is \$465. He said he was thinking the penalty would be \$50. He said he did not like the idea of doing the mask mandate under a trespass charge. He felt we have taken one of the weakest ordinances in the state and trying to make it work for us rather than making one with more meat on it. He said this is what we have. Given the choice of this ordinance or nothing, he will vote for either of the ordinances on the agenda. He felt we need to try. Council can always change their minds. Hopefully, we won't be forced to because things will get better. He said he talked to the CEO at the Aiken Regional Hospital, and they support the ordinance to mandate wearing masks. They don't want to see their beds maxed out with COVID patients. He felt that is a good point. He said he feels the ordinance is something Council needs to go forward with to protect everybody. How we get that out is through communication. He felt when people find out the fine is \$465 it will get their attention. He said he did not think that was the intent of writing it that way, but he felt it would get attention. He said he would vote for the emergency ordinance.

Mayor Osbon stated he thought a lot of well-informed citizenry had spoken at the meeting and a lot of good points made. He said he supports the emergency ordinance as opposed to the other ordinance. The emergency ordinance has a firm date for expiration of 61 days, and it can be extended if needed. The other ordinance would take another reading to pass, but whenever it came time to cancel the ordinance, it would take two more readings to suspend the ordinance. He said he has concern for the health of our businesses, but it is not because citizens won't come in if masks are required. He said he has a small business, and he has talked to a lot of small business owners. The concern is that if your employees get sick and you have to deep clean and sanitize your store every week to protect your employees, you can't sustain the business. He said that is why he feels masks are so important along with the social distancing and washing of hands. He said he agrees with Councilman Woltz that wearing a seat belt probably does give away some of his individual liberties. However, it is like having to wear a shirt and shoes when going into a restaurant. He said we are in a pandemic, and he did not feel this is a slippery slope, but it is a selected body trying to keep our economy healthy. He said he would support the emergency ordinance and the amendments that Councilwoman Gregory talked about.

Mayor Pro Tem Price stated she was going to support the emergency ordinance with the amendments suggested.

Councilman Woltz asked if Council needs to rescind the resolution that was adopted on July 2, 2020, encouraging wearing of masks. Mr. Gary Smith, City Attorney, responded that the previous resolution does not need to be rescinded. Mr. Smith stated the ordinance says that during the emergency term any ordinance, resolution, policy, or bylaw of the City that conflicts with the provisions hereof shall be suspended and superseded. That would take care of the resolution adopted on July 2.

Councilwoman Gregory moved, seconded by Councilwoman Diggs, that the emergency ordinance be amended in Section 3.4 for children under the age of five years old rather than ten years old and in Section 3.9 to read "while doing outdoor physical activity." Mayor Pro Tem Price called for a vote on the amendments to the emergency ordinance. This motion was approved by a vote of 5 to 2. In favor were: Mayor Pro Tem Price, Councilmembers Woltz, Gregory, Diggs, and Mayor Osbon. Opposed to the motion were Councilmembers Brohl and Girardeau.

Mayor Pro Tem Price called for a vote on the motion of Councilwoman Gregory, and seconded by Mayor Osbon, that the emergency ordinance as amended be adopted. Those

in favor were: Mayor Pro Tem Price, Councilmembers Woltz, Gregory, Diggs, and Mayor Osbon. Opposed were: Councilmembers Brohl and Girardeau. The emergency ordinance was approved as amended by a 5 – 2 vote.

### BOARDS AND COMMISSIONS

#### Appointments

Mayor Pro Tem Price stated Council needed to consider appointments to various city boards, commissions, and committees.

Mr. Bedenbaugh stated Council has 27 pending appointments to fill vacancies on different City boards, commissions, and committees. No nominations for appointments were made at the last Council meeting. However, a list of boards, commissions, and committees needing appointments by City Council was provided for information. Council may have some nominations for appointments to be placed on the agenda for the next meeting of Council.

Mayor Pro Tem Price asked if there were any recommendations for appointments to be considered at the next meeting of Council. No recommendations were made.

### ANNEXATION – ORDINANCE 07132020A

Joseph Raymond Conwell

Paula Laniado

622 Boardman Road

TPN 122-06-05-005

Mayor Pro Tem Price stated this was the time advertised for second reading and public hearing of an ordinance to annex 622 Boardman Road and zone it Residential Single-Family (RS-10).

Mayor Pro Tem Price read the title of the ordinance.

#### AN ORDINANCE TO ANNEX PROPERTY LOCATED AT 622 BOARDMAN ROAD, SE AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-10).

Councilman Girardeau moved, seconded by Councilwoman Brohl, that Council approve on second reading an ordinance to annex 622 Boardman Road and zone it Residential Single-Family (RS-10).

Mr. Bedenbaugh stated Joseph Raymond Conwell and Paula Laniado, applicants and owners, are requesting annexation of their property at 622 Boardman Road. The property is located in Block H of the Virginia Acres Subdivision III. The proposed Residential Single-family (RS-10) zoning is consistent with the surrounding uses and zoning.

The Planning Commission reviewed this request at their June 9, 2020, meeting and unanimously recommended approval of the annexation of 622 Boardman Road with RS-10 zoning.

City Council approved this ordinance on first reading at the June 22, 2020, meeting. For Council consideration is second reading and public hearing of an ordinance to annex 622 Boardman Road and zone it Residential Single-family (RS-10).

Mayor Pro Tem Price asked if there were any comments from the audience or comments from Council.

Mayor Pro Tem Price called for a vote on the motion made by Councilman Girardeau, seconded by Councilwoman Brohl, that Council approve on second reading an ordinance to annex 622 Boardman Road and zone it Residential Single-Family (RS-10). The motion was unanimously approved, including Mayor Osbon.

OLD AIKEN OVERLAY DESIGN – ORDINANCE 07132020BArtZoning OrdinanceDesign Review Board

Mayor Pro Tem Price stated this was the time advertised for second reading and public hearing of an ordinance to amend the Old Aiken Overlay Design Guidelines regarding art.

Mayor Pro Tem Price read the title of the ordinance.

AN ORDINANCE TO AMEND THE OLD AIKEN OVERLAY DESIGN GUIDELINES REGARDING ART.

Councilwoman Diggs moved, seconded by Councilwoman Gregory, that Council approve on second reading an ordinance to amend the Old Aiken Overlay Design Guidelines regarding art.

Mr. Bedenbaugh stated according to the "Old Aiken Overlay" of the Zoning Ordinance, the Design Review Board has oversight over improvements to property visible from right-of-way within the Old Aiken Overlay District through the Certificate of Appropriateness process to ensure development is consistent with the Old Aiken Design Guidelines. This includes art on land located in the Old Aiken Overlay District when visible from public right-of-way.

In recent review of Certificate of Appropriateness applications for art in the downtown area, the Board members have expressed concern about how the Board determines the appropriateness of art projects within the overlay district. The feeling was that a body of individuals with experience and training in the arts should be engaged to vet proposals for art projects and make a recommendation to the Design Review Board.

The Design Review Board has requested that the Old Aiken Design Guidelines be amended to establish a process by which the Aiken Arts Commission would review art submittals and make recommendations to the Design Review Board for consideration in determining the appropriateness of the proposal. Staff believes that speed of art approval would depend on how quickly the Art Commission can meet.

The Planning Commission at their June 9, 2020, meeting reviewed the request of the Design Review Board that the Old Aiken Design Guidelines be amended regarding review of art submittals by the Aiken Arts Commission. The Commission recommended that the Guidelines be amended.

City Council approved this ordinance on first reading at the June 22, 2020, meeting. For Council consideration is second reading and public hearing of an ordinance amending the Old Aiken Overlay Design Guidelines to establish a process for the Aiken Arts Commission to review art submittals and make recommendations to the Design Review Board.

Mayor Pro Tem Price asked if there were any comments from the audience or comments from Council.

Mayor Pro Tem Price called for a vote on the motion made by Councilwoman Diggs, seconded by Councilwoman Gregory, that Council approve on second reading an ordinance to amend the Old Aiken Overlay Design Guidelines regarding art. The motion was unanimously approved, including Mayor Osbon.

BONDS – ORDINANCE 07132020CAiken Public Facilities CorporationPublic Safety ProjectBeaufort StreetRefinancing BondsInterest Rate

Mayor Pro Tem Price stated this was the time advertised for second reading and public hearing of an ordinance to approve the issuance and sale of installment purchase revenue bonds for the Aiken Public Facilities Corporation Public Safety project.

Mayor Pro Tem Price read the title of the ordinance.

AN ORDINANCE APPROVING THE ISSUANCE AND SALE OF A NOT EXCEEDING \$8,725,000 INSTALLMENT PURCHASE REVENUE REFUNDING BOND (CITY OF AIKEN PUBLIC SAFETY FACILITY PROJECT), SERIES 2020, OF THE AIKEN PUBLIC FACILITIES CORPORATION; AUTHORIZING THE MAYOR AND THE CITY MANAGER OF THE CITY TO DETERMINE CERTAIN MATTERS RELATING TO THE BOND; PROVIDING FOR THE PAYMENT OF THE BOND AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO.

Councilman Woltz moved, seconded by Councilman Girardeau, that Council approve on second reading an ordinance to approve the issuance and sale of installment purchase revenue bonds for the Aiken Public Facilities Corporation Public Safety project.

Mr. Bedenbaugh stated in November 2018, we borrowed \$8,820,000 using the Installment Purchase Revenue Bond [IPRB] method. At that time, we received an interest rate of 3.74% with a 20-year term. With interest rates substantially lower, we felt refinancing could save us up to \$1 million over the remaining 18-year term. These savings take into account costs associated with refinancing, such as attorney costs and other fees. He said the RFP results have come in and fundamentally the lowest interest rate is from the same bank, BB&T, which has merged with Truist. The lowest interest rate was Truist with 2.050%. The other banks that submitted a proposal were: Sterling National Bank for 2.490%, and Capital One for 2.750%.

Financial advisor David Cheatwood and bond attorney Gary Pope were present to answer any questions and discuss the lowest responsible bid.

City Council approved this ordinance on first reading at the June 22, 2020, meeting. For Council consideration is second reading and public hearing of an ordinance to approve the issuance and sale of Installment Purchase Revenue Bonds for the Aiken Public Facilities Corporation Public Safety project.

Mr. David Cheatwood, of First Tryon Financial Advisors, stated he was pleased with the bids that came in. The 2.050% is much lower than when the matter was discussed in early June and will result in a higher level of savings. At that time we were estimating a rate of 2.65%. He said the interest rate is locked in for the full remaining 18 years of the term. There is still pre-payment flexibility if for some reason the rates go even lower or if the City would like to pay the loan off.

Mr. Gary Pope, Attorney, stated this looked like a good idea with a savings of \$840,000, but with the rate of \$2.050% there will be a savings of \$1.2 million over the remaining 18-year term.

Mayor Pro Tem Price asked if there were any comments from the audience or comments from Council.

Mayor Pro Tem Price called for a vote on the motion made by Councilman Woltz, seconded by Councilman Girardeau, that Council approve on second reading an ordinance to approve the issuance and sale of installment purchase revenue bonds for the



Aiken Public Facilities Corporation Public Safety project with an interest rate of 2.050% from Truist Bank. The motion was unanimously approved, including Mayor Osbon.

RESOLUTION 07132020D

NAACP  
Just Leadership USA  
Application

Mayor Pro Tem Price stated a resolution had been prepared for Council's consideration supporting changes to the City's application process.

Mayor Pro Tem Price read the title of the resolution.

A RESOLUTION SUPPORTING CHANGES TO THE CITY'S EMPLOYMENT APPLICATION PROCESS.

Councilwoman Diggs moved, seconded by Councilman Girardeau, that Council approve the resolution supporting changes to the City's application process.

Mr. Bedenbaugh stated recently, he and Mayor Osbon had met with representatives from the NAACP and Just Leadership USA to discuss the fair hiring practices, specifically "ban the box." This is a hiring practice that eliminates on the initial job application, the question(s) that asks for criminal history.

The process still calls for a background check that includes criminal history, but this is done later in the application process, usually after a conditional offer is made to an applicant. This is an administrative function to modify a form regularly, but the Mayor wanted to have the matter on the agenda for Council consideration to support this effort.

For Council consideration is a resolution to support changes to the City's application process.

Mayor Pro Tem Price asked if there were any comments from the audience or comments from Council.

Mr. Eugene White, President of the NAACP, thanked Council for taking the time to take up this very important issue. He said we realize that we are in a time of questioning and change. There were some discussions at this meeting about how public health interacts with government. For the past month or so we have had discussions about community policing and how we can do that better. He said we will continue to have those conversations. He said tonight the important thing to discuss is how we can best help a group of people who are being discriminated in the employment process. These individuals have paid their debt to society in time or money, or both, and yet they still find barriers to finding gainful employment and finding employment that pays a minimum wage. He said there are about 2.3 million individuals who are either in jail or in prison. African-Americans represent 14% to 16% of those individuals and represents 40% of the population. There are about 70,000 people who are released from the prisons each year. Of the 70,000 who are released and ready to go to work, to contribute to society, and take care of their families, about a year later 60% of them are unable to find employment. He said that is problematic because studies say that releases are one-third less likely to repeat if they can find some gainful employment and help move the local economy forward. He said the problem is the "box" that is on most applications asking whether or not the person has been convicted or whether or not they have a criminal history. If a person checks that box, statistics say that person is 50% less likely to be called in for an interview. He said what they are asking is that the "box" be eliminated from the preliminary part of the employment process and move it to an end part. This gives an applicant an opportunity to truthfully answer the application, put their best foot forward in the application, interview, tell their story, and then after they have earned a conditional offer they have the opportunity to explain any criminal history they may have. This protects the employer in that they are protected from negligent hiring, and they have the opportunity to ensure that they are picking the right candidate for the right job. On the other hand the applicant has the opportunity to explain any sort of criminal

history after they have obtained this conditional employment and also explain whether or not the crime that has been committed in the past actually has anything to do with the job for which they applied. He said this is not new. He said 29 states have adopted a similar practice, 150 municipalities across the United States have adopted a similar passage. Employers such as Walmart, Target, and Starbucks have adopted a similar passage. He said he is asking that we give these people an opportunity to compete for jobs. He said when we are all working and gainfully employed we are contributing to the economy. He said in this process, it is important that we have data collection, enforcement and auditing so that we don't reveal a person's criminal history at the start of an application, but people make assumptions based on your name. He said we want to ensure that we have a fair process that is going on so people are given an opportunity to work. He asked that Lester Young be recognized who has done a lot of work on the state and national level about this initiative, and he has a very compelling personal story that Council may find interesting.

Mr. Lester Young stated he is the community organizer for Just Leadership. The mission is to cut the prison population by 2030. That is addressing the collateral consequences that are attached to individuals with felony convictions. He noted his shirt has the logo "I am human." The reason advocating for I am human is because it is often that we find individuals who have been convicted of a crime still being treated like they are less than human beings, that they are ex-offenders, they are inmates, they are not people. We are individuals who have committed a crime, and we have paid our debt to society and we have been turned back into the community seeking assistance to move forward. One of the biggest challenges that we face is that there are 46,000 collateral consequences attached to a person's conviction. In South Carolina there are 750 collateral consequences. Those are the unseen barriers that are attached to a person from a conviction. He said he was convicted at 19 years old for a violent crime. He said he served 22 years and 5 months in the prison system. He said he walked out of prison at the age of 41 years old, never knowing that after released from prison that there was a thing called collateral consequences. He said when he applied for employment, there were always the comments that he was not worthy or you cannot be accepted into the job market. He said from 19 years old to 41 he served time, and had become a completely different person. He said the crimes that he committed at 19 years old did not define the 41 year old individual he had become in the process. He found that so many jobs were telling him no, not that he did not have a skill or qualifications, but they were telling him no because of a past conviction he had committed at 19 years old. He said from that moment he became an advocate, a voice for many men and women who exit the prison system and come back into the community seeking gainful employment and being denied access to employment. He said what he had been doing for the last six years since he had been released from prison, is traveling across the country advocating. He said he had met with Mayor Benjamin in Columbia and they had one of the first "ban the box" ordinances in South Carolina. He said Irmo as well as Richland County had passed a "ban the box" ordinance. He said they had asked Aiken to pass a resolution to employ those who are returning home from the prison system. He said when he got hired by a company like Tyson's Foods, that was one of the first jobs that was a southern friendly job opportunity. He said that changed his entire life. He said today he has his own business and owns a non-profit. He is an author of a book; he is a husband, and homeowner. He said he left prison with a new found glimpse of what he wanted to be, and he got a job. He said when you give someone a job; you give them opportunity. He said he just bought a new truck as a result of his being employed. He said he is a citizen of a society that is all about empowering our people by teaching his experience. He said he is a certified life coach. He said he works with those who have been convicted because he knows the challenges they face returning home from prison and seeking employment. He asked that the City please give individuals an opportunity for employment. He said he is a testament that when you give people a chance for employment, you change their lives.

Mr. Bedenbaugh stated the matter had been discussed at the departmental level, and he appreciates the input and effort from Public Safety and Human Resources. He said he and the Mayor had the privilege of hear Mr. Young's story a few weeks ago.

Mayor Osbon stated he had the privilege of meeting with Mr. Young and hearing his story. He said he commends the City Manager for taking the steps and action to remove

the “box” from the City’s application. He said it is a good story to be told, and he appreciates the NAACP taking a stance and bringing this forward to the city.

It was noted that Mr. James Gallman, a member of the board of the National NAACP, was also present at the meeting.

Mayor Pro Tem Price called for a vote on the motion made by Councilwoman Diggs, seconded by Councilman Girardeau, that Council approve the resolution supporting changes to the City’s application process. The motion was unanimously approved, including Mayor Osbon.

### BANNERS

#### Hops & Hogs

#### Aiken Downtown Development Association

Mayor Pro Tem Price stated Council needed to consider a request from the Aiken Downtown Development Association for permission for banners to be hung in the downtown to promote the Hops & Hogs event.

Councilwoman Diggs moved, seconded by Councilman Girardeau, that the Aiken Downtown Development Association be given permission for banners to be hung in the downtown to promote the Hops & Hogs event.

Mr. Bedenbaugh stated we have received a request from the Aiken Downtown Development Association for permission to hang banners in the downtown to promote the Hops & Hogs event.

Haley Knight, of the Aiken Downtown Development Association, has requested permission to hang banners throughout the downtown to promote the upcoming Hops & Hogs event. They would like to have banners at the following locations: Richland at Laurens (both directions), Laurens at Park (both directions) and Whiskey at South Boundary (northbound). The request is for the banners to be hung on August 10 - 22, 2020.

This event was originally to be held in May, but was postponed because of the COVID-19 pandemic. The event is currently scheduled for August 22.

Mr. Bedenbaugh stated with the pandemic we will continue dialoging to see whether or not the event will be held based on the Governor’s orders.

For City Council consideration is approval for permission to hang banners August 10 - 22, 2020, promoting the Hops & Hogs event.

Mayor Pro Tem Price asked for comments from the audience and Council.

Mayor Pro Tem Price called for a vote on the motion by Councilwoman Diggs, seconded by Councilman Girardeau, that Council approve the request from the Aiken Downtown Development Association for permission to hang banners in the downtown to promote the Hops & Hogs event. The motion was unanimously approved, including Mayor Osbon.

### UPDATES

#### Mask Ordinance

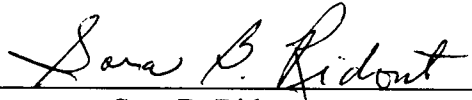
Mr. Bedenbaugh stated as a result of the emergency ordinance, we have been working with the printer of our water bills. They will do a special printing, and we will mail out on Wednesday to 19,000 account holders in English on one side and Spanish on the other side, a summary of the emergency mask ordinance. Approval of the ordinance will also be publicized through all the other means listed in the ordinance and to the businesses as well. There will be a press release regarding the mask ordinance.

Mayor Pro Tem Price noted that we had a number of emails from our citizens regarding the mask ordinance. She thanked the citizens for their input and the citizens' patience at the public hearing.

Mayor Osbon stated since the mask ordinance passed, he hoped that there will be signs around to make people aware of the ordinance.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:03 p.m.

  
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Sara B. Ridout  
City Clerk