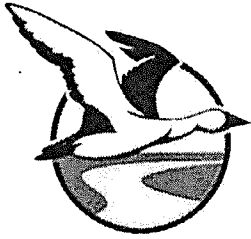


***SUPPORTING MATERIALS TO  
CITY COUNCIL MEETING***

***July 14, 2020***

## ***APPROVAL OF PREVIOUS MINUTES***



**MINUTES  
CITY OF GOOSE CREEK, SOUTH CAROLINA  
REGULAR CITY COUNCIL MEETING  
TUESDAY, JUNE 9, 2020 – 7:00 PM  
CITY HALL - COUNCIL CHAMBERS  
519 N GOOSE CREEK BOULEVARD**

**Mayor/Council Present:**

Mayor Gregory S. Habib  
Mayor Pro Tem Kevin Condon  
Councilmember Debra Green-Fletcher  
Councilmember Christopher Harmon  
Councilmember Corey McClary  
Councilmember Gayla McSwain

**Executive Staff:**

Interim City Administrator Tyler Howanyk  
City Clerk Kelly J. Lovette  
Public Information Officer Frank Johnson  
Director of Economic Development Matt Brady  
Police Chief LJ Roscoe  
Interim Fire Chief Norm Cutshall

**Press Present:**

Harve Jacobs - Channel 5

**Guests Present:**

None

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PURSUANT TO THE FREEDOM OF INFORMATION ACT SC CODE 30-4-80: WRITTEN NOTICE WAS DELIVERED TO THE PRESS BY EMAIL ON FRIDAY, JUNE 5, 2020 AND DULY POSTED AT CITY HALL LOCATED AT 519 N GOOSE CREEK BOULEVARD, AN ACCESSIBLE FACILITY, AND ON CITYOFGOOSECREEK.COM

Mayor Habib called the meeting to order at 7:00 pm and requested Pastor Rodney Richard of Northwood Church lead in the invocation and Pledge of Allegiance.

**GENERAL PUBLIC COMMENTS:**

It was stated on the meeting Agenda to send all comments via email to the City Clerk. All comments were forwarded to City Council. There were no comments submitted by the general public.

**MOTION WAS MADE TO APPROVE THE MINUTES OF:**

May 12, 2020 - Regular City Council Meeting

Motion: Councilmember Green-Fletcher; Second: Councilmember Harmon; Motion carried: All in favor.

**PUBLIC HEARINGS, PRESENTATION & PROCLAMATION:**

None

**OLD BUSINESS:**

None

**NEW BUSINESS:**

**AN ORDINANCE OF THE CITY OF GOOSE CREEK, SOUTH CAROLINA, PROVIDING FOR THE CREATION OF AN ELECTRIC UTILITY SYSTEM; AND OTHER MATTERS RELATED THERETO (Introduction & First Reading)**

Motion: Mayor Pro Tem Condon; Second: Councilmember Tekac; Motion carried: All in favor.

**AN ORDINANCE PURSUANT TO SECTION 5-3-150(3) OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED, TO ANNEX PROPERTIES IDENTIFIED AS TMS # 223-00-00-033, # 223-00-00-034, AND # 223-00-00-035 INTO THE CITY OF GOOSE CREEK AND ESTABLISH A ZONING CLASSIFICATIONS THEREFOR; AND OTHER MATTERS RELATED THERETO (Introduction & First Reading)**

Mayor Habib stated the property being proposed for annexation is part of the Century Aluminum property, parcels B, C and D (approximately 621 acres) and it is the property that essentially runs halfway down Old Mt. Holly Road and then from Old Mt. Holly Road up to Highway 17A on Highway 176, and approximately ½ mile up Highway 17A towards Moncks Corner. This includes three (3) of the five (5) parcels that are being brought into the City at this time and they are coming in as zoned Commercial.

Motion: Councilmember McClary; Second: Councilmember Green-Fletcher; Motion carried: All in favor.

**AN ORDINANCE TO SELL REAL PROPERTY OF THE CITY OF GOOSE CREEK, A SOUTH CAROLINA MUNICIPAL CORPORATION, IN ACCORDANCE WITH SECTION 5-7-260 (6) OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED, PROPERTY IDENTIFIED AS, 0.055 ACRES, A PORTION OF TMS 235-00-00-035 AND, .076 ACRES, A PORTION OF TMS 235-00-00-038 (Introduction and First Reading)**

Mayor Habib stated this property is being sold to Berkeley County so improvements can continue to be made on the intersection at of Montague Plantation Road and US Highway 52, as part of the Henry Brown Boulevard extension project, which stretches all the way down Montague Plantation Road to US Highway 52.

Motion: Councilmember Green-Fletcher; Second: Councilmember McClary; Motion carried: All in favor.

**A RESOLUTION AUTHORIZING THE CITY OF GOOSE CREEK TO ENTER INTO AN AGREEMENT OF COOPERATION WITH BERKELEY COUNTY, SOUTH CAROLINA PURSUANT TO PROVISIONS OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED (First & Final Reading)**

Mayor Habib stated the proposed Resolution from Charleston Berkeley Dorchester Council of Governments (BCDCOG) is a Block Grants Program from the Federal government, typically and now too, for the next three (3) years, is what City Council is voting on to join forces with Berkeley County and apply together for different things in and throughout the County to include the City of Goose Creek for the good of all of the area.

Motion: Councilmember Harmon; Second: Councilmember McClary; Motion carried: All in favor.

**A RESOLUTION AUTHORIZING THE CITY OF GOOSE CREEK TO ENTER INTO AN AGREEMENT WITH CHARLESTON LOCAL DEVELOPMENT CORPORATION IN A PARTNERSHIP TO CREATE A REVOLVING LOAN FUND AND ALSO INITIATE THE “KICKSTART THE CREEK” BUSINESS ASSISTANCE PROGRAM (First & Final Reading)**

Mayor Habib stated the Resolution was regarding a revolving loan fund that will provide working capital loans for small businesses in the wake of COVID-19, but then beyond. He stated the Local Development Corporation will underwrite and administer the loan program whereas principal and one percent (1%) interest will be reinvested in the loan program to make future loans.

Motion: Councilmember Tekac made a motion to table the discussion so City Council can do some more investigating regarding the fund; Second: Mayor Pro Tem Condon;

Councilmember Tekac stated his concerns in that it is not with the program itself, it is because the City would be investing tax payer dollars at a time where he is not sure where the City's tax payer dollars will be twelve (12) months from now. He stated his other large concern is there are plenty of programs out there with the Federal government, particularly the Paycheck Protection Program that he worked on through his employment; but, there is still money out there and he would much rather see the City's local business owner's apply through that simple program that is basically going to be free as far as interest is concerned. He stated it's basically one percent (1%) max, and just on Friday, the President signed into law the fact that it will increase the likelihood of those monies being forgiven because they have extended the time period from eight to twenty-four weeks, lowered the threshold for payroll costs from 75% to 60% and those affected businesses don't have to rehire their employees until December 31, 2020. Councilmember Tekac stated he would much rather see those funds be exhausted prior to seeing the City of Goose Creek assisting distressed businesses in our City, because he felt the City sustaining losses are significantly high at this point. Mayor Habib stated he had the same concerns as Councilmember Tekac, and he felt one of the things they need to do was tighten up some of the regulations about how they plan to go about lending funds to businesses in the City. He stated he felt it was prudent to step back, take another look and evaluate it as to whether or not they wished to move it forward. Mayor Habib inquired of Councilmember Tekac if he would be willing to table the Resolution with a date to bring it back off the table.

Motion: Councilmember Tekac amended his original motion to table the Resolution for thirty (30) days; Second: Mayor Pro Tem Condon;

Councilmember Harmon stated his only concern is that the timing of this is very important and he doesn't want the thirty (30) days to hurt any of the businesses in our community that could be helped by this program. Mayor Habib stated the idea was for the proposed program to come in behind the PPI program and there are still monies available, around \$100,000,000,000. Councilmember Harmon stated another concern was if there is that much available in PPI funding, was the Kickstart funding program really necessary; and, or businesses being assisted in finding other resources that would assist them with their needs.

Motion: Councilmember Tekac amended his second motion to table the Resolution until the regular City Council Meeting scheduled for July 14, 2020; Second: Mayor Pro Tem Condon. Discussions continued amongst City Council.

Mayor Habib stated the Resolution would be discussed further at City Council's upcoming Workshop scheduled for June 23<sup>rd</sup>. Hearing no further discussion, Mayor Habib called for the vote. Motion carried: Six (6) in favor; One (1) opposed (Councilmember Harmon).

## **DEPARTMENT REPORT:**

Mr. Brady, Director of Economic Development, presented City Council with a PowerPoint presentation regarding the old Fire Station Headquarters that was sold to CityVolv wherein they will be leasing the property out to a tenant with plans for a restaurant, Creek City Grill and Brewery. Mr. Brady stated initial demolition is scheduled to begin in July, then the renovations will begin, and they project opening in the first quarter of 2021. Within the presentation Mr. Brady showed City Council renditions of what the outside and inside of the business will look like once the project is completed. Councilmember Tekac inquired as to the status of Goose Creek Village. Mr. Brady stated the developer anticipated Charleston Sports Pub opening during the summertime this year.

## **CITY ADMINISTRATOR'S REPORT:**

### **Request to Hire Contractor – John McCants Veterans Memorial Park**

Mr. Howanyk, interim City Administrator, presented City Council with a request and supporting documentation wherein sealed bids were received from qualified contractors to build the John McCants Veterans Memorial Park; of the two (2) respondents, City staff is recommending to award the contract to the lowest responsive bidder, JF Contractors of Sumter, SC, in the total amount of \$1,794,338. He stated the City

has an assigned fund balance of \$1,900,000 specifically for this project; therefore, no financing is required. If approved, City staff will work with LandPlan Group South and JF Contractors to formalize the contract and start the project.

Motion: Councilmember Tekac; Second: Councilmember Condon;

There was a brief discussion regarding the funding of this project. Mr. Howanyk stated there were reserves that were available to be used for the project and it was always better to use reserve funding rather than financing a project.

Councilmember Harmon and Mayor Habib discussed sidewalks and Mayor Habib stated the City was still fighting with the State and Federal government to get the monies that the City applied for two (2) years ago and have yet to receive, and that were put in from Boulder Bluff Elementary School to Stephanie Drive, approximately one quarter of a mile and the cost of that is over \$1,000,000 to put a sidewalk on one side of the road. He stated sidewalks on those roads were extremely expensive and amazingly cost prohibitive and that is why the State has not put sidewalks on those roads, which are owned by them. He stated there are things the City can do to help get people to the park by building bike paths, and City Council can discuss those things as they go through the process and discuss the budget in the near future during their budget workshop.

Motion carried: All in favor.

### **MAYOR'S REPORT:**

Mayor Habib shared some thoughts about what has been happening since the City Council Meeting in May.

“At times over the past few weeks, I’ve been reminded of an old saying, and some people call it a curse, and it’s: “May you live in interesting times.” Ladies and gentlemen, in 2020, we are living in interesting times. Since the tragic and enraging death of George Floyd in Minneapolis, we have been exposed to both the very worst and, at times, the very best, of people and our country. Like many of you, the death of Mr. Floyd has caused me to confront my own thoughts regarding race, law enforcement, socio economics, governance, citizen rights, and more. Tonight, I want to share some of those thoughts. Not only do I want to share those with you as your Mayor, but more importantly, as a fellow citizen. None of us has a monopoly on the absolute truth. Our experiences shape our perspective and the ideals that drive us. Our environment often shapes our experiences.

We, all of us, have to be openminded enough to recognize and be willing to listen to and learn from one another. The outrage over Mr. Floyd’s death is certainly, understandably, and rightly, caused many to call for sweeping police reform. That conversation and analysis, again with open minds, I believe will lead to healthy changes in America. Having said that, I think that it’s appropriate to share with you tonight some of the policies that our own Police Department follows concerning the use of force. Goose Creek Police Department is accredited by the Commission on Accreditation for Law Enforcement Agencies (CALEA), Inc., and has been so accredited since 2002. CALEA publishes over 480 standards considered "best practices" for law enforcement agencies. Goose Creek Police Department proudly complies with all applicable standards and welcomes annual evaluations from CALEA Assessors to verify our compliance. It is worth noting too, that Chief Roscoe came to us from Dekalb County in Georgia, another accredited agency.

So, what does this accreditation mean? It means we follow the best practices, in law enforcement, and particularly in this case, for avoiding use of force and abuse of power. An example of what I’m talking about here is the choke hold policy. Some of you may have seen recently that Minneapolis City Council passed an ordinance last week to ban choke holds. Choke holds are already against our policy and have been for years. In fact, in 30 years of law enforcement, Chief Roscoe has never been in a department that’s allowed a choke hold. I get asked how can we make sure, how do we develop our police officer; or, how can we make sure we’re in compliance; or, that we don’t experience some of the things that the other departments have. Here is just a short list of what we do now, and have done for years:

- 1) Attitude Evaluation
- 2) Aptitude Evaluation
- 3) Psychological Evaluation
- 4) Pre-Academy Training
- 5) Academy Training
- 6) Field Training
- 7) Constant Incident Evaluation
- 8) Annual Evaluation
- 9) Community Policing Responsibilities
- 10) Ongoing Professional Training
- 11) Chief Ride-Alongs - Our Chief rides along with our law enforcement to ensure they're following the policies and things that we require of them.

Now, to be sure, a good policy is only as sound as those officers who carry it out. It provides a framework, not a guarantee. It should be comforting to you, however, to know that these policies, and this adherence to constant self and outside evaluation, is what is already happening at the Goose Creek Police Department. The Goose Creek Police Department is committed to upholding the law. But more than that, we are committed to the wellbeing of our community and our citizens. We don't just claim to do the right things, we evaluate and measure to ensure we are doing the right things. I challenge anyone to find an example otherwise.

This past weekend, Chief Roscoe and I had the opportunity to speak with a group of protestors here at City Hall. It was an enlightening conversation and I am thankful for having had it. I am also proud that all of us, myself, Chief Roscoe, the protestors, listened as much as we spoke. There was one question asked of Chief Roscoe that was somewhat upsetting, to her and to me. A young man asked what she thought of the George Floyd incident and what happened to him. Now, he didn't mean anything other than what he asked. He was a young guy, idealistic, trying to make a difference. What do reasonable, rational people think of what happened to George Floyd? Well, that's exactly what our Chief thinks about what happened to George Floyd. I believe she used the term "anyone in their right mind" would see this incident for what it was. Why would our Chief of Police see it any other way? To his credit the young man both shared his feelings, but he also listened to our responses. For both sides, a moment that began in frustration and anger, ended with greater understanding and empathy. I have often said, and I still truly believe, America's diversity is indeed its greatest strength. It's a strength that is unique in the world, unique among all other countries.

I do hope you are all well, and all safe, and I hope you all continue to feel good about living in the City of Goose Creek. As a society, there is no "if" with regard to this change in the mindset of people. We have to love more, we have to listen more, we have to engage more, we have to care more, we have to tolerate more. We have to just be better. As a City, I hope that we can be part of that solution, and I'm proud of the leadership that Chief Roscoe brings to her job every single day, and its reflection on our Department, and I appreciate your patience."

## **VII. Adjourn:**

Motion: Councilmember Tekac; Second: Mayor Pro Tem Condon; Motion carried: All in favor. Meeting adjourned at 7:48 p.m.

Date: July 14, 2020

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Kelly J. Lovette, MMC  
City Clerk

*A copy of this meeting's agenda was sent to the Post and Courier and The Goose Creek Gazette; it was posted in City Hall 24 hours prior to the meeting.*

# ***PRESENTATIONS & PROCLAMATIONS***



***OLD BUSINESS & PUBLIC HEARINGS***

ORDINANCE NO.

AN ORDINANCE

**AN ORDINANCE OF THE CITY OF GOOSE CREEK, SOUTH CAROLINA PROVIDING FOR THE CREATION OF AN ELECTRIC UTILITY SYSTEM; AND OTHER MATTERS RELATED THERETO.**

**NOW THEREFORE**, be it ordained by the City Council of the City of Goose Creek (the "*City Council*"), the governing body of the City of Goose Creek, South Carolina (the "*City*"), as follows:

**Section 1. Findings of Fact.**

The City Council hereby finds and determines that the following findings of fact are true, accurate, and correct in every respect:

- (a) The City is a municipal corporation of the State of South Carolina (the "*State*") located in Berkeley County, South Carolina (the "*County*"), and as such possesses all general powers granted by the Constitution and statutes of the State to such public entities.
- (b) Pursuant to Article VIII, Section 16 of the Constitution of the State of South Carolina, 1895, as amended (the "*Constitution*"), "[a]ny incorporated municipality may, upon a majority vote of the electors of such political subdivision who shall vote on the question, acquire by initial construction or purchase and may operate gas, water, sewer, electric, transportation or other public utility systems and plants."
- (c) Pursuant to a resolution adopted by the City Council on September 10, 2019, the City Council ordered a referendum to be held in the City (the "*Referendum*") on the following question (the "*Question*"): Shall the City Council of the City of Goose Creek, as the governing body of the City of Goose Creek, South Carolina, be authorized to acquire by initial construction or purchase, and thereafter establish, improve, operate and maintain an electric utility system to furnish electric power?
  - (d) On December 3, 2019, the Berkeley County Board of Voter Registration and Elections conducted the Referendum at which 1,179 votes were cast in favor of the Question and 525 votes were cast in opposition to the Question. On December 5, 2019, the Berkeley County Board of Canvassers certified the successful result of the Referendum. By resolution adopted on February 11, 2020, the City Council officially declared the results of the Referendum.
  - (e) By virtue of the successful Referendum, the City is now authorized by the Constitution and the laws of the State to acquire by construction or purchase (including applicable leasehold interests), and thereafter establish, improve, operate and maintain an electric utility system (the "*Electric System*") to furnish electric power to the customers thereof ("*Electric Service*").
  - (f) The City Council has determined that the creation and establishment of the Electric System is in the best interest of the City and its citizens.

**Section 2. Establishment of Electric System; Governance.**

The City Council hereby establishes the Electric System to carry out the purposes, functions, and responsibilities set forth herein and authorized by the Constitution and laws of the State. The Electric System shall be governed by and under the control of the City Council.

**Section 3. Rates and Charges.**

The City Council, by ordinance, may place into effect and revise from time to time a schedule of rates and charges, including formula rates or other alternative ratemaking mechanisms, for making connections to the Electric System, the use thereof by its customers, and the electric energy delivered and sold to such customers (collectively, the "*Electric Charges*") and, in accordance with State law, to impose Electric Charges upon those to whom Electric Service is provided. The Electric Charges authorized hereby must be sufficient to provide for recovery of all of the operating costs of the Electric System and the provision of Electric Service. A



schedule of all such rates, deposit and charges in effect will be maintained and on file in the offices of the City and made available upon request.

**Section 4. Unauthorized Use.**

- (a) In the absence of a contract with the City for Electric Service, no person shall be permitted to connect with the Electric System for the purpose of obtaining electricity therefrom.
- (b) It shall be unlawful for any person who has no contract, agreement, license, or permission with or from the City for the use of electric energy belonging to or produced by or furnished by the City to willfully withdraw or cause to be withdrawn in any manner and appropriate for his own use, or for the use of any other person, such current from the Electric System of the City.
- (c) No person shall aid, abet, or assist any person in withdrawing and appropriating electrical current from the Electric System to or for the use of that person or to or for the use of any other person.

**Section 5. Boundaries; Jurisdiction; Service.**

- (a) In keeping with the provisions of the Franchise Agreement between the City and Berkeley Electric Cooperative (the "*Cooperative*") dated March 19, 2020 (the "*Franchise*"), the Electric System shall provide Electric Service within the Excluded Area (as such term is defined in the Franchise). Under the terms of the Franchise, the Cooperative shall provide electric service within the Franchise Area (as such term is defined in the Franchise).
- (b) The City stands committed to provide Electric Service within the Excluded Area and will, subject to compliance with this Ordinance and any subsequent ordinance pertaining to Electric Service, provide such service as needed or requested by any new or potential customer that requests Electric Service to be provided by the Electric System within the Excluded Area. In making the commitment to provide Electric Service to new or potential customers, the City will consider the location of the customer, the proposed land use for the area anticipating Electric Service, the magnitude of the Electric Service required and the electric utility infrastructure necessary to provide Electric Service. Based on the information provided, the City will work with the customer to ensure availability of Electric Service and advise the customer of estimated or anticipated costs of providing such service.

**Section 6. Rules and Regulations.**

Subject to the laws of the State and any other provisions governing or regulating municipal utilities, the City Council may make such reasonable rules, regulations, policies, resolutions, ordinances and other governance proclamations as necessary to administer, operate, maintain, manage, regulate and do all other things necessary for the Electric System.

**Section 7. Contracts.**

Subject to final approval by the City Council, the City Administrator, acting on behalf of the City and the Electric System, may negotiate contracts, agreements, memoranda and other binding legal documents regarding (i) the sale, purchase or exchange of electric power and transmission, (ii) the acquisition of real and personal property assets, including by purchase, lease or other means, as necessary for the efficient operation of the Electric System, (iii) the management or operation of the Electric System, including professional contracts for technical and engineering services, and (iv) any and all other actions, activities and functions necessary and convenient to the proper operation of the Electric System. Any standard contract for retail power service supplied by the Electric System need not be approved by the City Council and may be executed and delivered by the City Administrator or his assigns on behalf of the City. On approval by the City Council, the Electric System may enter into a special contract with a customer. Once approved, the rates, terms and conditions under such special contract may be changed only by mutual agreement of the City and the customer.

**Section 8. Designated Authority.**

As necessary and convenient and subject to proper budgetary approval, the City Administrator may procure, hire, and engage any and all consultants, engineers, attorneys and advisors as necessary for the implementation and operation of the Electric System.

**Section 9. Operation as Enterprise; Keeping Records.**

The Electric System shall be operated as a business enterprise of the City separate and distinct from the City's general operations. The City shall install and thereafter maintain proper books, records, and accounts of the Electric System, separate and distinct from all other records and accounts of the City, in which complete and correct entries shall be made and maintained of the revenues and expenditures of the Electric System. As necessary and subject to the terms of the Revenue Bond Act for Utilities, codified at Title 6, Chapter 21 of the Code of Laws of South Carolina 1976, as amended, the Electric System may be combined with compatible projects (i.e. the City's municipal water utility) and thereafter operated as a combined system.

**Section 10. Streetlights.**

To the extent not otherwise provided by the Cooperative, the City may furnish, install, operate, and maintain a street lighting system and service along the streets, highways, alleys, and public places of and located inside the City.

**Section 11. Further Action Authorized.**

The Mayor, City Administrator, Finance Director, Clerk to City Council, and other necessary City officials and staff are hereby authorized and directed to create such accounts, execute such documents and instruments, and take such additional action as is necessary and convenient to carry out the purposes of this Ordinance.

**Section 12. Effective Date.**

This Ordinance shall be effective as of the date of its enactment.

**[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]**



**DONE AND ORDAINED IN COUNCIL ASSEMBLED**, this 14th day of July 2020.

**INTRODUCED** the 9<sup>th</sup> day of June 2020.

**DONE** the \_\_\_\_ day of July 2020.

\_\_\_\_\_  
Mayor Gregory S. Habib

Attest: \_\_\_\_\_  
Kelly J. Lovette, City Clerk

\_\_\_\_\_  
Mayor Pro Tem Kevin M. Condon

\_\_\_\_\_  
Councilmember Debra Green-Fletcher

\_\_\_\_\_  
Councilmember Corey McClary

\_\_\_\_\_  
Councilmember Jerry Tekac

\_\_\_\_\_  
Councilmember Gayla McSwain

\_\_\_\_\_  
Councilmember Christopher Harmon

Approved as to form

By: \_\_\_\_\_  
City Attorney

First Reading:            June 9, 2020  
Second Reading:        July 14, 2020

AN ORDINANCE

**AN ORDINANCE PURSUANT TO SECTION 5-3-150(3) OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED, TO ANNEX PROPERTIES IDENTIFIED AS TMS # 223-00-00-033, # 223-00-00-034, AND # 223-00-00-035 INTO THE CITY OF GOOSE CREEK AND ESTABLISH A ZONING CLASSIFICATIONS THEREFOR; AND OTHER MATTERS RELATED THERETO.**

**WHEREAS**, the City of Goose Creek, South Carolina (the “*City*”) is a municipal corporation created under the laws of the State of South Carolina, that is duly empowered to extend its municipal boundaries through annexation; and

**WHEREAS**, Section 5-3-150(3) of the Code of Laws of South Carolina, 1976, as amended (“*Section 5-3-150(3)*”), provides for the annexation of any area or property which is contiguous to a city or town by filing a petition with the municipal governing body which is signed by one-hundred percent (100%) or more of the owners owning at least one-hundred percent (100%) of the assessed valuation of the real property in the area requesting annexation; and

**WHEREAS**, one-hundred percent (100%) of the freeholders owning one-hundred percent (100%) of the assessed valuation of the real property in the area hereafter delineated and described, have filed an application with the City Council of Goose Creek, as the governing body of the City (the “*City Council*”), requesting that the following properties be annexed into the City (collectively, the “*Annexed Property*”):

**TMS # 223-00-00-033 (187.57 ACRES) (“*Parcel B*”)**

**TMS # 223-00-00-034 (128.04 ACRES) (“*Parcel C*”)**

**TMS # 223-00-00-035 (306.03 ACRES) (“*Parcel D*”)**

**WHEREAS**, the Annexed Property, which consist of portions of properties formerly identified as TMS #223-00-00-019 and TMS #222- 00-00-114, were recently re-platted to show the “Property Line Abandonment and Subdivision Plats” (the “*New Plat*”) and

**WHEREAS**, a copy of the New Plat, showing Parcel B, Parcel C and Parcel D, respectively, as necessary to properly identify the areas to be annexed into the City, is attached hereto as Exhibit A; and

**WHEREAS**, the Annexed Property is contiguous to the current municipal limits of the City and per the terms of the application, the form of which constitutes a legally valid petition under Section 5-3-150(3), the owner has legally requested that Annexed Property be annexed into the City; and

**WHEREAS**, the City Council believes that the annexation of the Annexed Property would be beneficial to the City and has determined to enact this ordinance to properly annex the Annexed Property into the City and to assign a zoning classification therefor.

**NOW, THEREFORE, BE IT ORDAINED** and ordered by the Mayor and City Council of the City of Goose Creek, South Carolina, in Council duly assembled, as follows:

**Section 1. Ratification of Findings.**

All of the recitals and findings of fact set forth above are ratified and confirmed.

**Section 2. Acceptance.**

The City, acting through the City Council, accepts the petition application for annexation of the Annexed Property and the Annexed Property shall be immediately annexed into the corporate limits of the City upon the due enactment of this Ordinance.



Each of the Annexed Properties, consisting of Parcel B, Parcel C, and Parcel D, are shown on the New Plat, a copy of which is attached hereto as Exhibit A.

**Section 3. Zoning.**

Upon completion of the annexation of the Annexed Property, each of Parcel B, Parcel C, and Parcel D shall be assigned a zoning district classification of GC (General Commercial).

**Section 4. Other Actions; Ratification.**

In connection with the annexation of the Annexed Properties, the City Administrator, including any interim City Administrator or his assigns, is additionally authorized to prepare, review, negotiate, execute, deliver, and agree to such additional agreements, certifications, documents, closing proofs, and undertakings as he shall deem necessary or advisable to complete and finalize the annexation and zoning assignment herein. This authorization explicitly includes the authorization for the City Administrator to do those things necessary to comply with the conditions in the Agreements. Any actions previously undertaken by the City Administrator, City Council or City staff in connection with the annexation or the zoning assignment for the Annexed Properties prior to the enactment of this Ordinance are ratified, approved, and confirmed.

**Section 5. Severability.**

If any section, subsection, sentence, clause or phrase of this Ordinance for any reason, held or determined to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

**INTRODUCED** the 9th day of June 2020.

**DONE AND ORDAINED**, this \_\_\_\_ day of July 2020.

\_\_\_\_\_  
Mayor Gregory S. Habib

Attest: \_\_\_\_\_  
Kelly J. Lovette, City Clerk

\_\_\_\_\_  
Mayor Pro Tem Kevin M. Condon

\_\_\_\_\_  
Councilmember Debra Green-Fletcher

\_\_\_\_\_  
Councilmember Corey McClary

\_\_\_\_\_  
Councilmember Jerry Tekac

\_\_\_\_\_  
Councilmember Gayla McSwain

\_\_\_\_\_  
Councilmember Christopher Harmon

# Parcel B





February 11, 2020

City of Goose Creek  
PO Drawer 1768  
Goose Creek, SC 29445

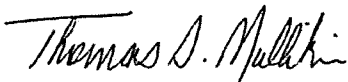
RE: Letter of intent and summary of future operations regarding "Parcels B, C, D, and E"

Dear Sir or Madam:

Century Aluminum of South Carolina, Inc.'s intent and summary of future operations with regards to "Parcels B, C, D, and E" as described in the attached map is as follows:

-To be determined.

Sincerely,

A handwritten signature in cursive script that reads "Thomas S. Mullikin".

Thomas S. Mullikin  
Counsel for Century Aluminum of South Carolina, Inc.

February 11, 2020

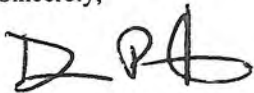
City of Goose Creek  
PO Drawer 1768  
Goose Creek, SC 29445

RE: Acknowledgement of Thomas S. Mullikin authority to sign annexation applications

Dear Sir or Madam:

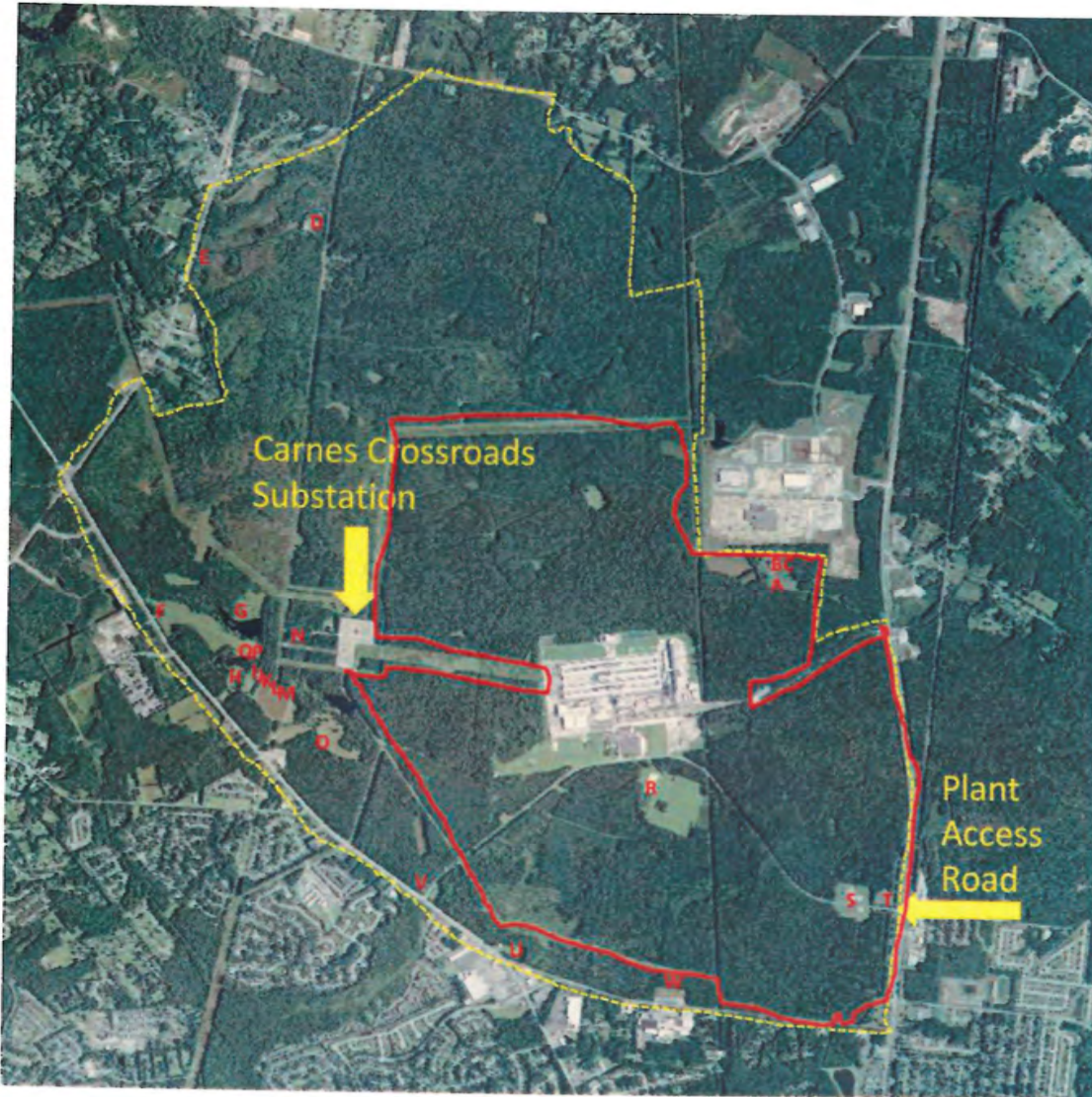
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Sincerely,



Dennis Harbath  
Plant Manager  
Century Aluminum of South Carolina, Inc.





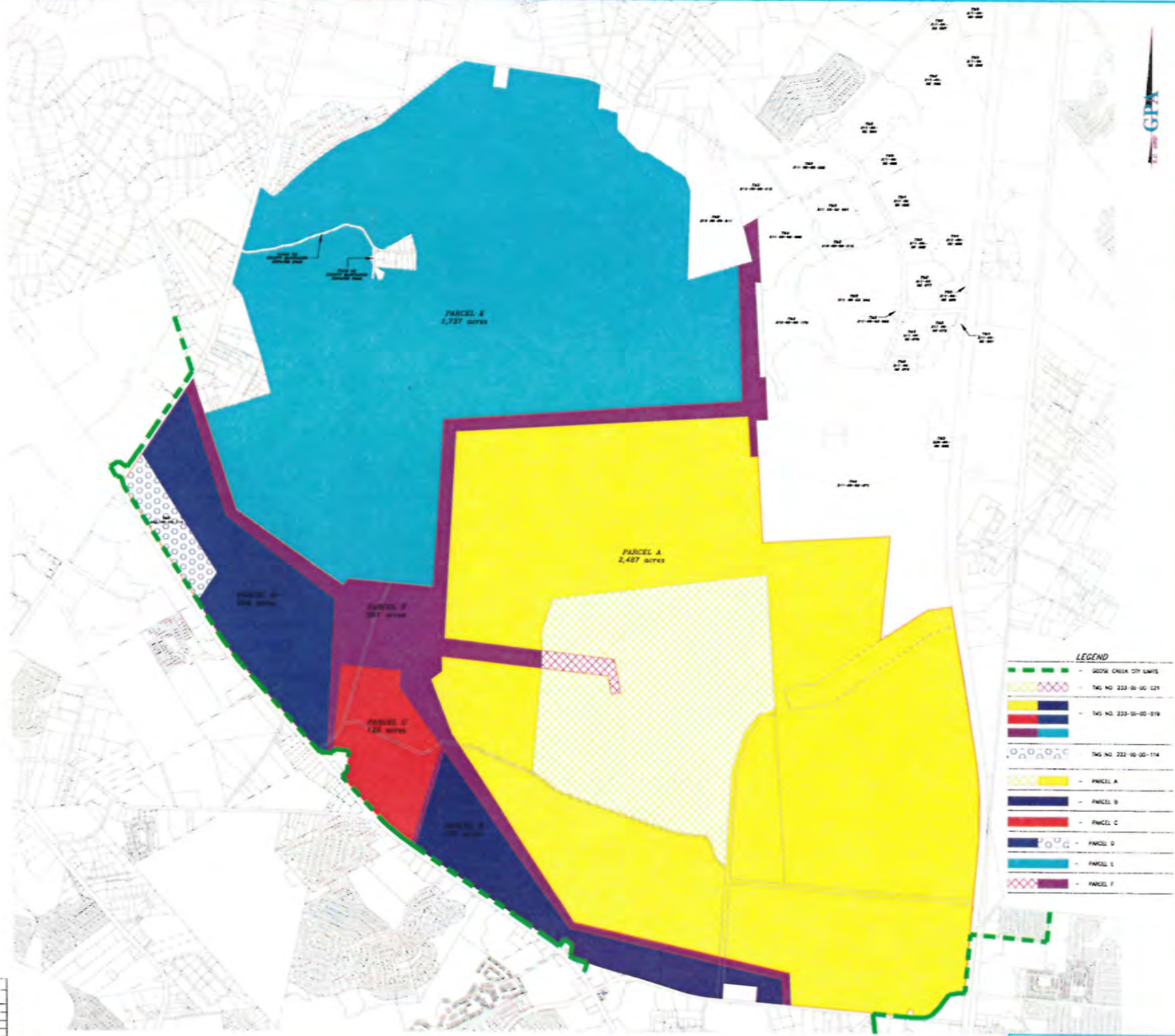
Carnes Crossroads  
Substation

Plant  
Access  
Road

<u>Map Legend</u>	<u>Description</u>
A	Assistant Manager's House
B	Old Dairy Sheds (One shed is an old barn, another structure is old feeding line - both unuseable)
C	Old Mobile Home that Deer Biologist (Clemson Univ) Used. Not Useable.
D	Gun Range Currently Used/Administrated by CHS Police
E	Cell Tower ( see Christy Quatacker concerning lease negotiation)
F	Plantation Caretaker's House -currently vacated
G	Lodge (Old hunting lodge occasionally used for meetings & events. Has Kitchen, Glassed-in Porch, Fireplace, Tandem bathrooms)
H	Plantation Manager's Residence
I	Equipment Shed - Powered, No HVAC, Constructed of Metal
J	Plantation Office - Fireplace, bathroom, Computer, etc.
K	Old Dog Kennel - Window AC
L	Equipment Shed - 3 Sides, Open on Front, Enclosed Utility Room, Powered, No Bathrooms
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R	Spray Field Pump Station Building
S	Men's (North) and Women's (South) Baseball Fields, Powered Lights, Bleachers and Basketball Courts
T	Air Monitoring Station (Environmental Surveillance) at Highway 52 Entrance to Plant
U	Air Monitoring Station (Environmental Surveillance) beside Goose Creek City Water Tower Across from Wal-Mart
V	Water Valve house for city water coming in to plant (Backflow preventers, etc.)
W	Leased property to JW Aluminum



THIS IS AN EXHIBIT AND CAN NOT BE USED FOR TRANSFER OF TITLE



PARCEL / TMS NO. (01/13/2020)		
TMS NO. 223-00-00-021	TMS NO. 223-00-00-019	TMS NO. 223-00-00-114
A	A	D
F	B	
	C	
	D	
	E	
	F	



- LEGEND**
- WOOD CREEK CITY LIMITS
  - TMS NO. 223-00-00-021
  - TMS NO. 223-00-00-019
  - TMS NO. 223-00-00-114
  - PARCEL A
  - PARCEL B
  - PARCEL C
  - PARCEL D
  - PARCEL E
  - PARCEL F

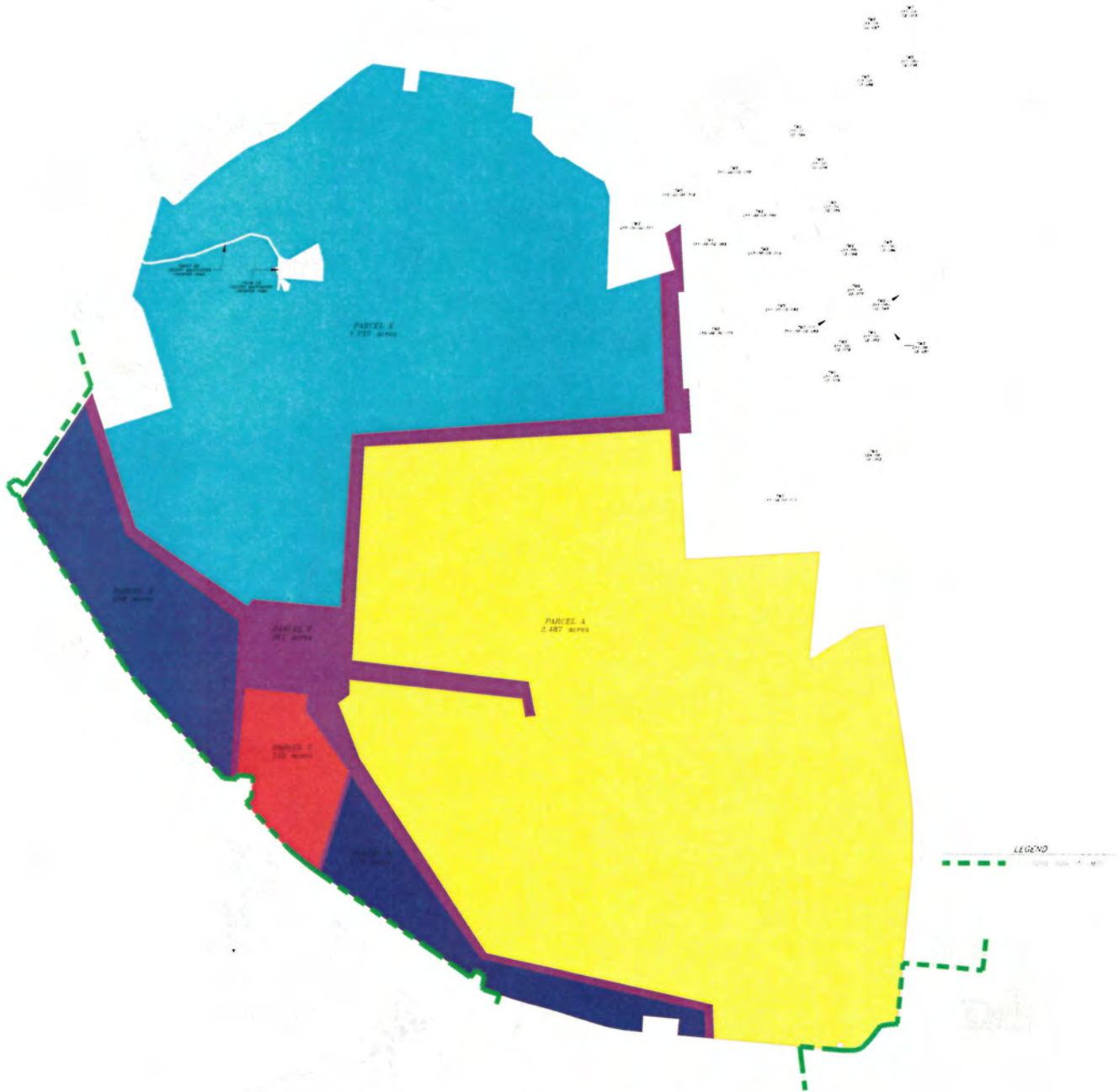
**GPA**  
 GEORGETOWN PLANNING AND DEVELOPMENT DEPARTMENT  
 100 W. MARKET STREET, SUITE 200  
 GEORGETOWN, DE 20636  
 TEL: 410-326-7000  
 FAX: 410-326-7001  
 WWW.GEORGETOWNMD.GOV

**SCALE**  
 1" = 1000'  
 FILE NO. 70  
 JOB NO. 2008  
 DATE 01/13/2020  
 DRAWN BY TLL  
 CHECKED BY BJT

PROPOSED PROPERTY OVERALL LINE EXHIBIT

DATE	REVISION	BY
	1	TLL

GPB INC  
EXHIBIT 01 06 2020



# Parcel C





CITY OF GOOSE CREEK  
**ANNEXATION APPLICATION**



Date: February 11, 2020

REQUESTED ANNEXATION METHOD (CIRCLE ONE):  100%  75%  25%

TMS#: Current TMS# Comprising All Parcels: 233-00-00-021; 233-00-00-019; 222-00-00-114  
 (see map) Unique TMS# for Parcel C to be determined

ADDRESS: TBD

PROPERTY OWNER(S): Century Aluminum of South Carolina, Inc.

CURRENT COUNTY ZONING DISTRICT:  
 Heavy Industrial

REQUESTED CITY ZONING DISTRICT:  
 Subject to mutual agreement

TOTAL ACREAGE TO BE ANNEXED:  
 See attached map

IS THIS PROPERTY VACANT? (CIRCLE ONE) YES  NO

IF NOT VACANT, PLEASE DESCRIBE ANY EXISTING BUILDINGS ON THE PROPERTY:  
 See attached satellite map and structure list

**ANNEXATION REQUIREMENTS**

1. A letter of intent.
2. A summary of future plans for the property.
3. A copy of the property's deed.
4. Signature authority documentation, if the applicant is not the property owner.
5. An original copy of the Annexation Application.

**Contact Information\***

Name (Printed): Thomas S. Mullikin

Telephone: 803-427-5449

Address: 1308 Broad Street, Camden, SC 29020

Signature of Owner/Applicant\* Thomas S. Mullikin

\*Proper documentation of the identity of an applicant who is not the owner of the property must be provided. If the property is owned by a company, please provide documentation of the applicant's position within the company represented. If the annexation is being proposed on behalf of a property owner, complete documentation of both the applicant's identity, and a certified, filed copy of a Power of Attorney granting permission to apply, must be provided. Proper documentation is subject to the approval of the City Clerk.

Please return this form and supporting documents to:  
 Frank Johnson, Annexation Coordinator  
 City of Goose Creek  
 PO Drawer 1768  
 Goose Creek, SC 29445

**For more information please call (843) 797-6220 Ext. 1117**

February 11, 2020

City of Goose Creek  
PO Drawer 1768  
Goose Creek, SC 29445

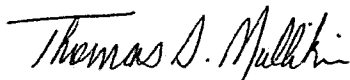
RE: Letter of intent and summary of future operations regarding "Parcels B, C, D, and E"

Dear Sir or Madam:

Century Aluminum of South Carolina, Inc.'s intent and summary of future operations with regards to "Parcels B, C, D, and E" as described in the attached map is as follows:

-To be determined.

Sincerely,

A handwritten signature in cursive script that reads "Thomas S. Mullikin". The signature is written in black ink and is positioned above the typed name.

Thomas S. Mullikin  
Counsel for Century Aluminum of South Carolina, Inc.

February 11, 2020

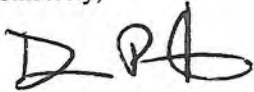
City of Goose Creek  
PO Drawer 1768  
Goose Creek, SC 29445

RE: Acknowledgement of Thomas S. Mullikin authority to sign annexation applications

Dear Sir or Madam:

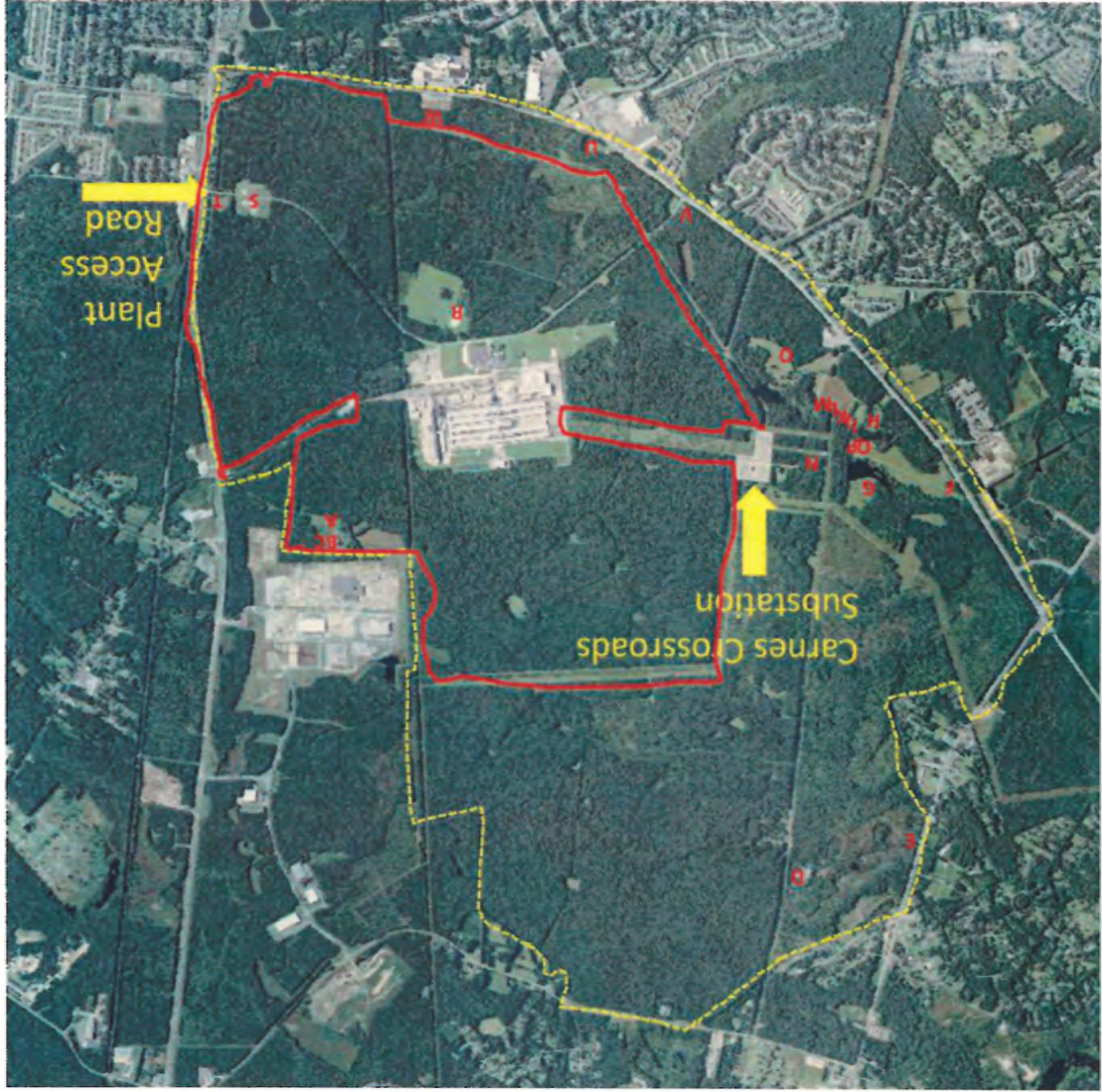
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Dennis Harbath  
Plant Manager  
Century Aluminum of South Carolina, Inc.



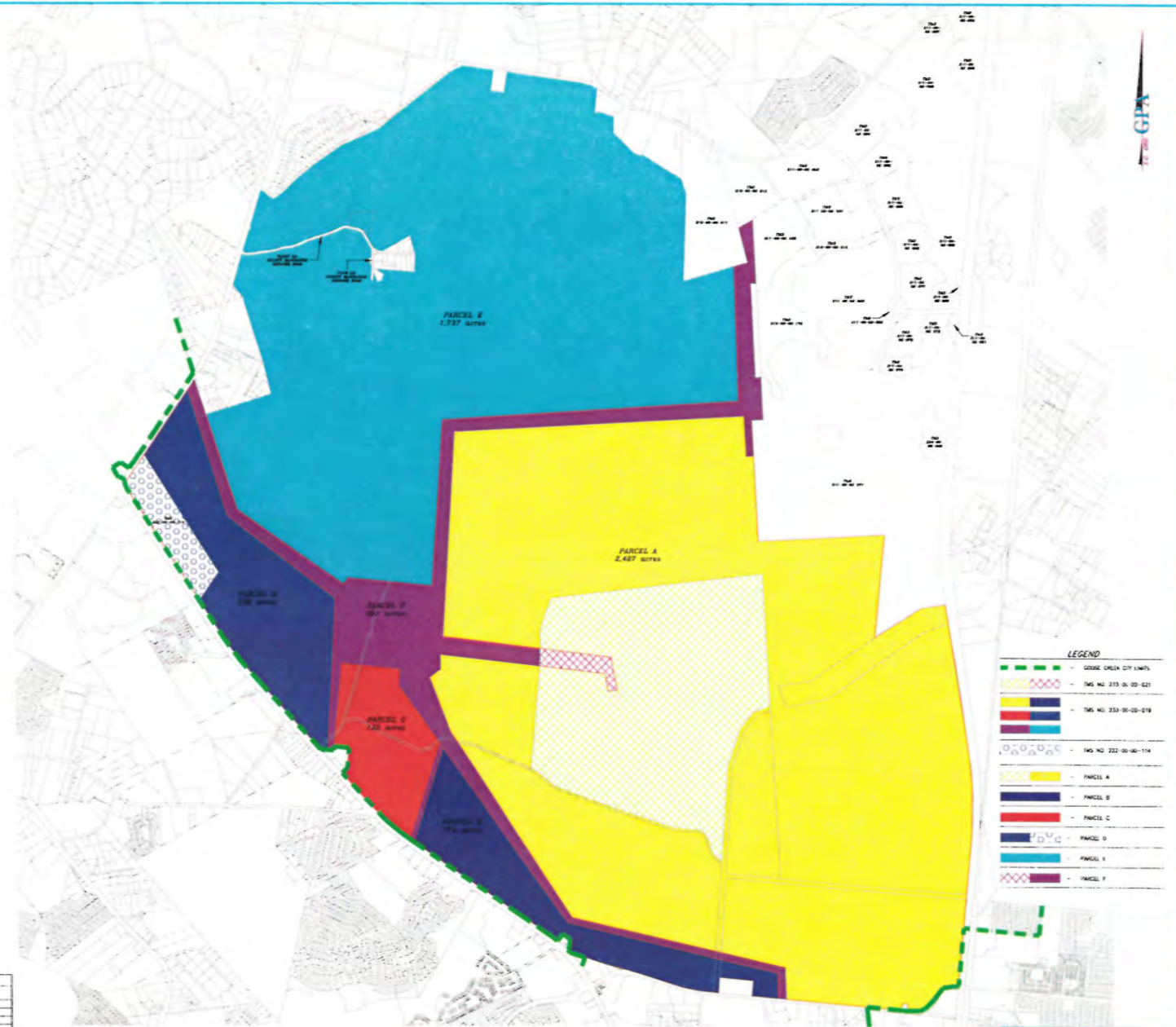


<u>Map Legend</u>	<u>Description</u>
A	Assistant Manager's House
B	Old Dairy Sheds (One shed is an old barn, another structure is old feeding line - both unuseable)
C	Old Mobile Home that Deer Biologist (Clemson Univ) Used. Not Useable.
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THIS IS AN EXHIBIT AND CAN NOT BE USED FOR TRANSFER OF TITLE

PARCEL / TMS NO. (01/13/2020)		
TMS NO. 223-00-00-027	TMS NO. 223-00-00-019	TMS NO. 222-00-00-114
A	A	B
F	B	C
	C	D
	D	E
	E	F



**LEGEND**

- GOODE CDEA CITY LIMITS
- TMS NO. 213-00-00-021
- TMS NO. 234-00-00-019
- TMS NO. 222-00-00-114
- PARCEL A
- PARCEL B
- PARCEL C
- PARCEL D
- PARCEL E
- PARCEL F

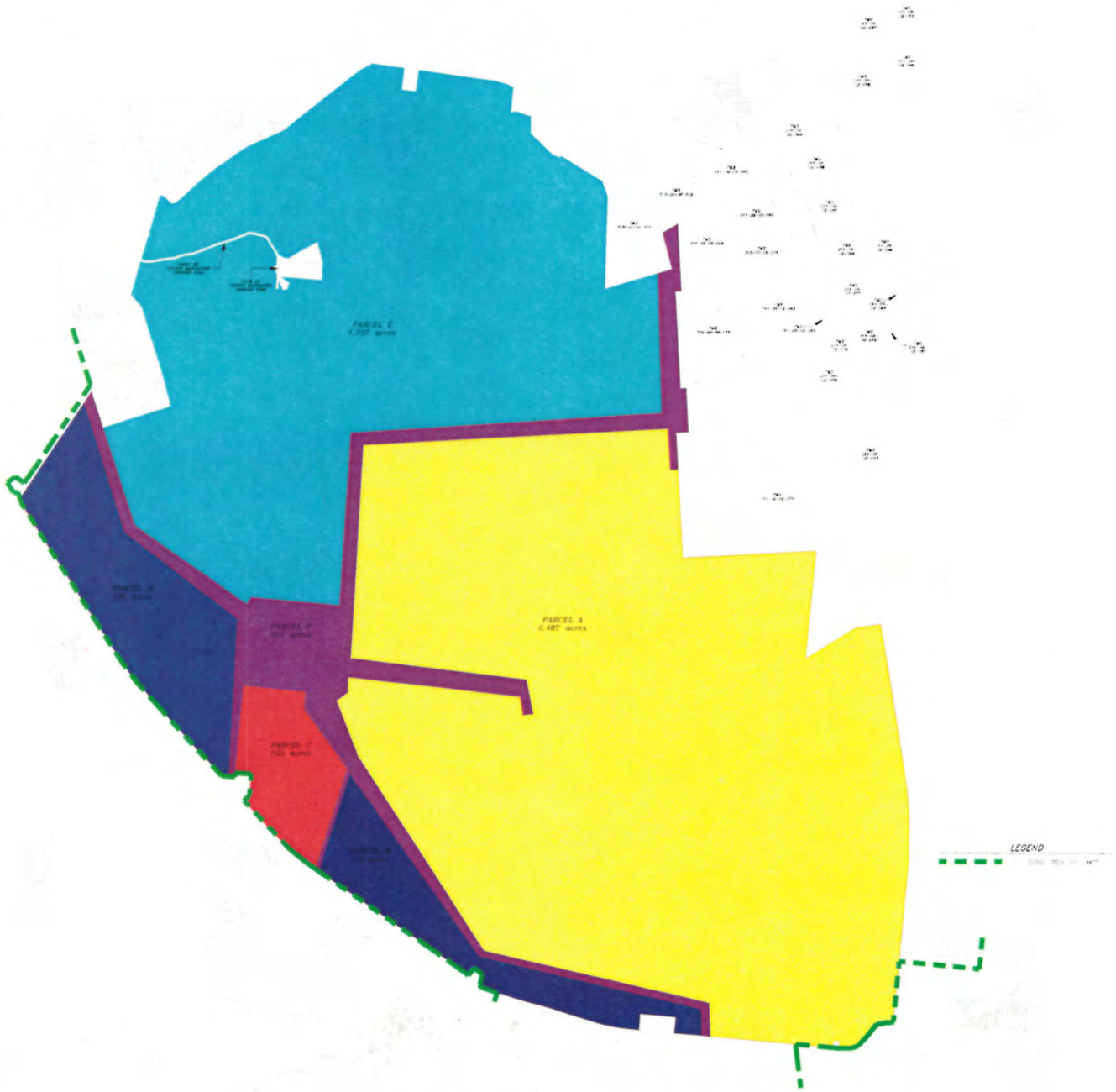
**GPA**  
 GEORGIA PROFESSIONAL APPRAISERS  
 1015 W. BROAD ST., SUITE 200  
 ATLANTA, GA 30334  
 (404) 525-1100  
 www.gpa.com

**SCALE**  
 1" = 1000'  
 PREP BY: JLS  
 DATE: 10/13/2020  
 CHECKED BY: JLS

PROPOSED PROPERTY OVERALL LINE EXHIBIT



# GRAPHIC EXHIBIT 01/06/2020



# Parcel D





CITY OF GOOSE CREEK  
**ANNEXATION APPLICATION**



Date: February 11, 2020

REQUESTED ANNEXATION METHOD (CIRCLE ONE):  100%  75%  25%

TMS#: Current TMS# Comprising All Parcels: 233-00-00-021; 233-00-00-019; 222-00-00-114  
 (see map) Unique TMS# for **Parcel D** to be determined

ADDRESS: TBD

PROPERTY OWNER(S): Century Aluminum of South Carolina, Inc.

CURRENT COUNTY ZONING DISTRICT:  
 Heavy Industrial

REQUESTED CITY ZONING DISTRICT:  
 Subject to mutual agreement

TOTAL ACREAGE TO BE ANNEXED:  
 See attached map

IS THIS PROPERTY VACANT? (CIRCLE ONE) YES  NO

IF NOT VACANT, PLEASE DESCRIBE ANY EXISTING BUILDINGS ON THE PROPERTY:

See attached satellite map and structure list

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Telephone: 803-427-5449

Address: 1308 Broad Street, Camden, SC 29020

Signature of Owner/Applicant\* Thomas S. Mullikin

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 City of Goose Creek  
 PO Drawer 1768  
 Goose Creek, SC 29445

**For more information please call (843) 797-6220 Ext. 1117**

February 11, 2020

City of Goose Creek  
PO Drawer 1768  
Goose Creek, SC 29445

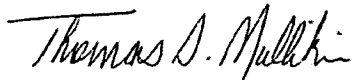
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Counsel for Century Aluminum of South Carolina, Inc.

February 11, 2020

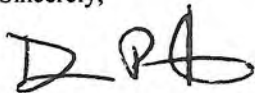
City of Goose Creek  
PO Drawer 1768  
Goose Creek, SC 29445

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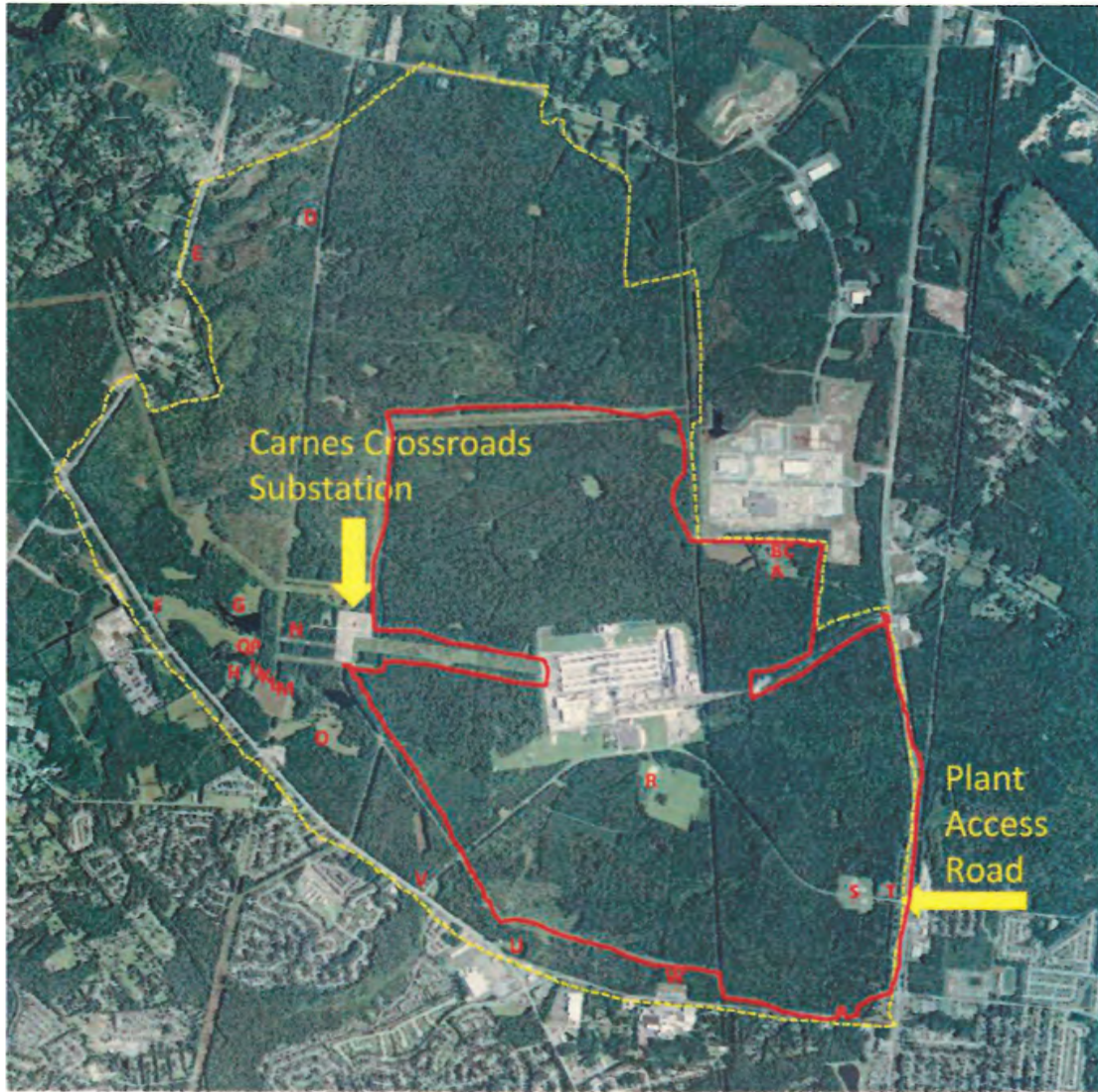
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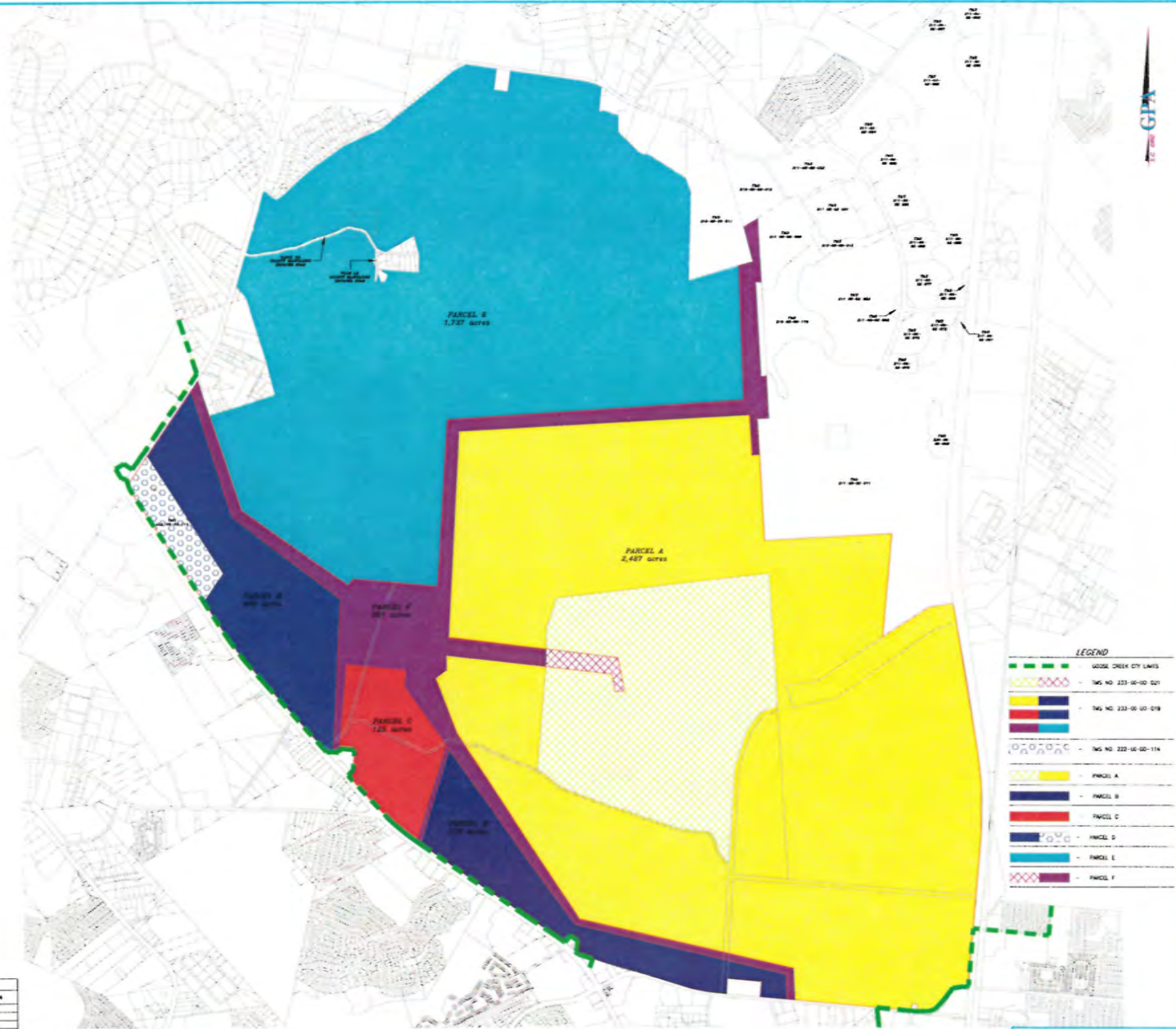




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**GDA**  
 GEORGE D. ANDERSON  
 SURVEYOR  
 201 W. HARRIS ST. SUITE 4  
 LEXINGTON, NC 27290  
 OFFICE (704) 280-2400  
 FAX (704) 280-2400  
 www.gda-survey.com  
 "Integrity Without Compromise"

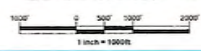
SCALE  
 1" = 100'  
 FILE NO. 100-100-100  
 JOB NO. 100-100-100  
 DATE 01/13/2020  
 DRAWN BY [Name]  
 CHECKED BY [Name]

**LEGEND**

- GOOSE CREEK CITY LIMITS
- TMS NO 223-00-00-021
- TMS NO 223-00-00-018
- TMS NO 222-00-00-114
- PARCEL A
- PARCEL B
- PARCEL C
- PARCEL D
- PARCEL E
- PARCEL F

PARCEL / TMS NO. (01/13/2020)

TMS NO 223-00-00-021	TMS NO 223-00-00-018	TMS NO 222-00-00-114
A	B	D
F		
	C	
	E	



PROPOSED PROPERTY OVERALL LINE EXHIBIT

# GFA Jrc EXHIBIT 01/06/2020





**ORDINANCE NO.**

**AN ORDINANCE**

**AN ORDINANCE TO SELL REAL PROPERTY OF THE CITY OF GOOSE CREEK, A SOUTH CAROLINA MUNICIPAL CORPORATION, IN ACCORDANCE WITH SECTION 5-7-260 (6) OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED, PROPERTY IDENTIFIED AS, 0.055 ACRES, A PORTION OF TMS 235-00-00-035 AND, .076 ACRES, A PORTION OF TMS 235-00-00-038**

**WHEREAS**, Berkeley County is in the process of widening and improving the intersection of Old Mount Holly Road and Highway 52; and

**WHEREAS**, Berkeley County has determined that additional right-of-way is needed for the Henry Brown Boulevard Phase 2 project on Old Mount Holly Road which necessitates the acquisition of property owned by the City of Goose Creek; and

**WHEREAS**, the City of Goose Creek fully supports the Henry Brown Boulevard Phase 2 project.

**NOW, THEREFORE, BE IT ORDAINED** and ordered by the Mayor and City Council of the City of Goose Creek, South Carolina, in Council duly assembled, that the City of Goose Creek, South Carolina, hereby approves the sale of real property owned by the City of Goose Creek, South Carolina, to Berkeley County, for Henry Brown Boulevard project, to which:

2,375 square feet (0.055 acre) of land and all improvements thereon, if any, as identified on a map as prepared by the South Carolina Department of Transportation as a portion of TMS 235-00-00-035.

3,296 square feet (0.076 acre) of land and all improvements thereon, if any, as identified on a map as prepared by the South Carolina Department of Transportation as a portion of TMS 235-00-00-038.

The City Administrator is directed to do all things necessary to facilitate the sale of said property to Berkeley County.

All ordinances in conflict with this ordinance are hereby repealed.

This ordinance shall be effective on the date of final reading.

INTRODUCED the \_\_\_\_\_ day of June 2020.

DONE the \_\_\_\_\_ day of July 2020.

\_\_\_\_\_  
Mayor Gregory S. Habib

Attest: \_\_\_\_\_  
Kelly J. Lovette, MMC, City Clerk

\_\_\_\_\_  
Mayor Pro Tem Kevin M. Condon

\_\_\_\_\_  
Councilmember Debra Green-Fletcher

\_\_\_\_\_  
Councilmember Corey McClary

\_\_\_\_\_  
Councilmember Jerry Tekac

\_\_\_\_\_  
Councilmember Gayla S.L. McSwain

\_\_\_\_\_  
Councilmember Christopher Harmon



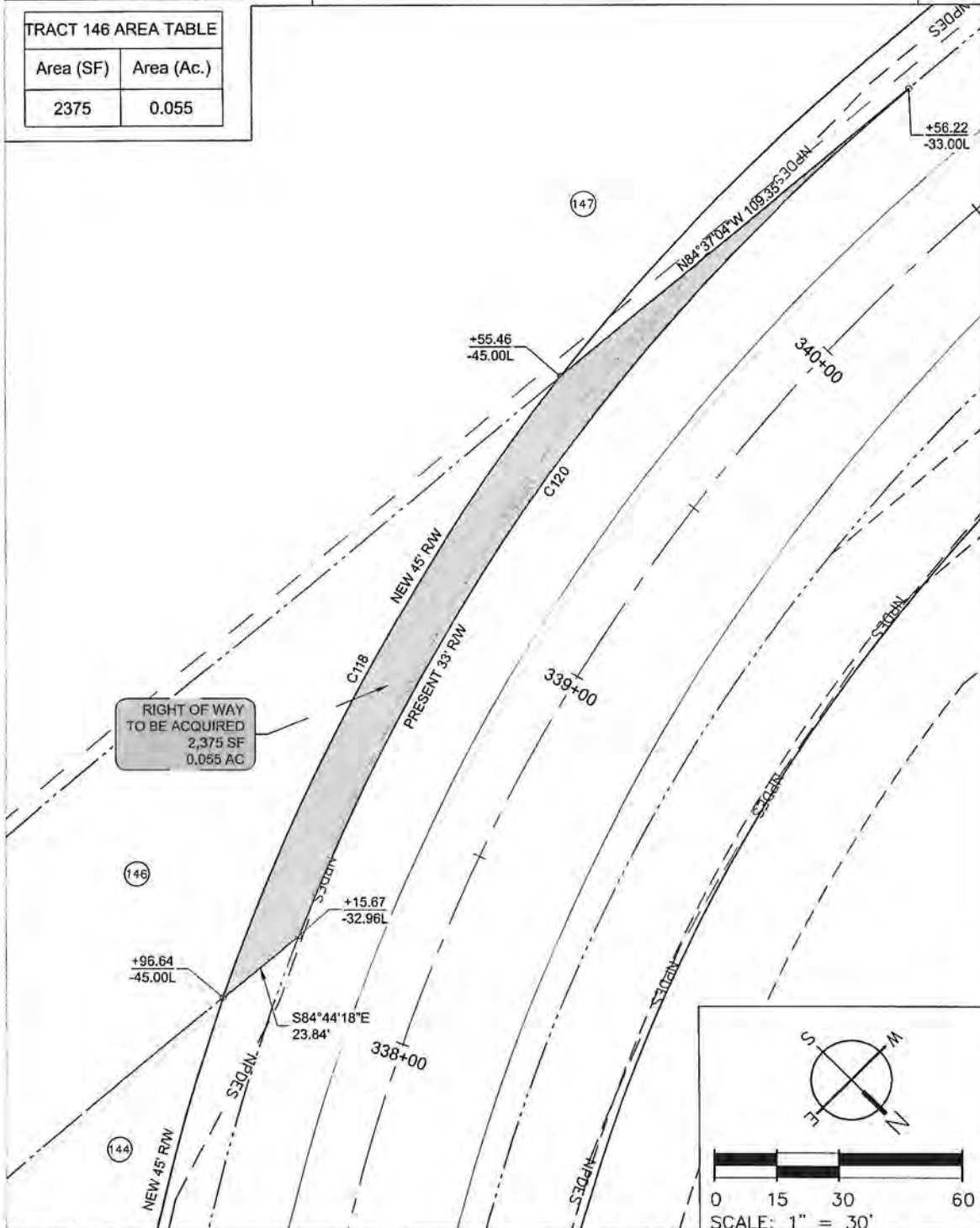


TRACT 146 PARCEL CURVE TABLE					
Curve #	Length (ft)	Radius (ft)	Delta	Chord Direction	Chord Length (ft)
C118	173.87	520.00	019°09'29"	S73°27'29"W	173.06
C120	257.13	506.91	029°03'48"	N80°40'42"E	254.38

235-00-00 -035

TRACT 146 AREA TABLE

Area (SF)	Area (Ac.)
2375	0.055



BERKELEY COUNTY  
HENRY E. BROWN JR. BLVD.  
PHASE 2 WIDENING  
ROW EXHIBIT

DATE: 7/5/2018 REVISED: 3/3/2020

AREA OF ACQUISITION  
FROM TRACT 146

SHEET 3 OF 3

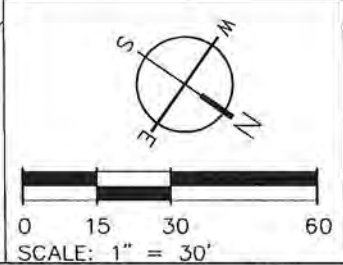
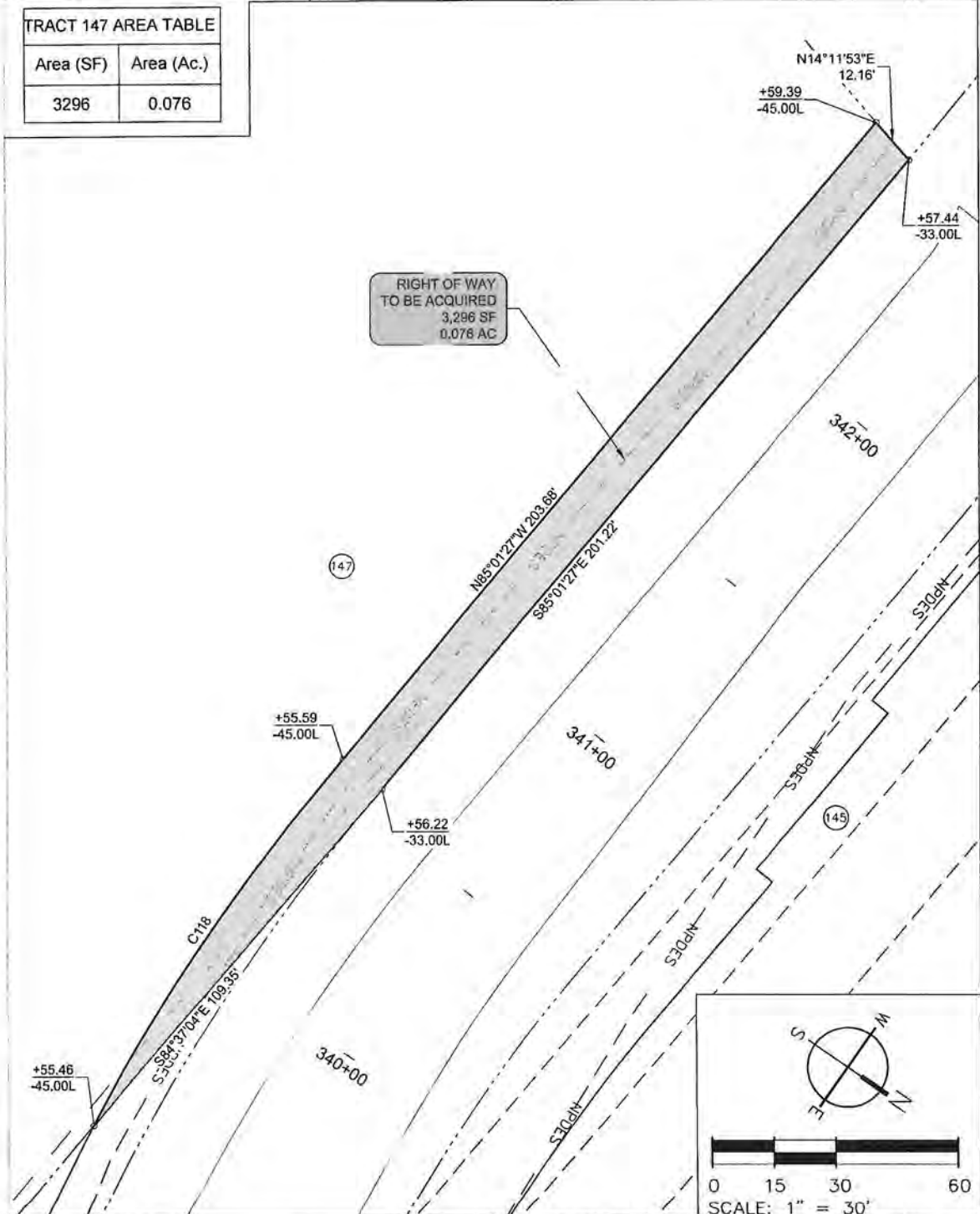




TRACT 147 PARCEL CURVE TABLE					
Curve #	Length (ft)	Radius (ft)	Delta	Chord Direction	Chord Length (ft)
C118	109.62	520.00	012°04'40"	S89°05'15"W	109.41

235-00-00-038

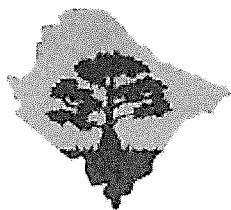
TRACT 147 AREA TABLE	
Area (SF)	Area (Ac.)
3296	0.076



BERKELEY COUNTY  
 HENRY E. BROWN JR. BLVD.  
 PHASE 2 WIDENING  
 ROW EXHIBIT

AREA OF ACQUISITION  
 FROM TRACT 147





# BERKELEY COUNTY SC

## Property Card

### Summary Information:

TMS: 235-00-00-035	Council District: C3	Neighborhood: D710 - COMM ON HWY 176 AND HWY 52
Owner Information:	Fire District: F18	Appraiser ID: NM
GOOSE CREEK CITY OF	Tax District: T18	Lot: Block: Section:
PO BOX 1768	TIS Zone: 9	Zoning: Goose Creek - CO
	Jurisdiction: 2P	Homestead Exempt: No
GOOSE CREEK, SC 294451768	Acres: 0.00	Parent TMS:
	Lots: 0.0	Notes:

Site addresses:		
603 N GOOSE CREEK BLVD		
GOOSE CREEK, SC 29445, Unit/Lot:		

### Previous Owner History:

Owner: SCDHPT	Sale Date: 01/07/1993	Sale Price: \$1.00	Deed Book-Page: 0227 - 0046	Plat: 0227 - 48	Transfer Notes: 0.62 Acres Recorded on Plat 0227 - 48
Owner: SCDHPT	Sale Date: 01/07/1993	Sale Price: \$1.00	Deed Book-Page: 0227 - 0046	Plat: 0227 - 48	Transfer Notes: PLAT CABQ-304H (UTILITY EASEMENT) 06/18

### Tax History: (limited to 10 years)

Tax Year	Receipt #	Tax District	Original Total	Total With Penalties (if applicable)	Pay Date	Pay Type	Delinquent	Taxed Value
2019	0046110	18	\$252.00	\$252.00	12/13/2019	Paid	No	\$0
2018	0045211	18	\$36.00	\$36.00	12/10/2018	Paid	No	\$0

### Sales Information:

Last Sale Date: 01/07/1993	Plat Information: 0227 - 48	Sales Validity: 1
Recording Date: 01/25/1993	Deed Book: 0227	Validity Other:
Sale Price: \$1.00	Deed Page: 0046	

### Valuation Information:

Building Market: 0  
Land Market: 0

Building Taxable (4% Res): 0  
Building Taxable (6% Other): 0  
Building Taxable (4% Ag): 0  
Building Taxable (6% Ag): 0

Land Taxable (4% Res): 0  
Land Taxable (6% Other): 0  
Land Taxable (4% Ag): 0  
Land Taxable (6% Ag): 0

Total Taxable Value: 0    Total Assessment: 0

### Fee Summary:

Fee Name	Fee Amount
Goose Creek Sanitation Fee	0
Stormwater Utility Fee	252

### Building Information:

Building Count: 0  
Residence Count: 0

Yard Item Count: 0  
Mobile Homes on Property: 0

Image(s) on file:



No sketches found for this property.





# BERKELEY COUNTY SC

## Property Card

### Summary Information:

TMS: 235-00-00-038  
 Owner Information:  
 GOOSE CREEK CITY OF  
 PO BOX 1768  
 GOOSE CREEK, SC 294451768

Council District: C3  
 Fire District: F18  
 Tax District: T18  
 TIS Zone: 9  
 Jurisdiction: 2P  
 Acres: 10.00  
 Lots: 0.0

Neighborhood: D710 - COMM ON HWY 176 AND HWY 52  
 Appraiser ID: NM  
 Lot: Block: Section:  
 Zoning: Goose Creek - CO  
 Homestead Exempt: No  
 Parent TMS: 235-00-00-005  
 Notes:

Site addresses:	
519 N GOOSE CREEK BLVD GOOSE CREEK, SC 29445, UNIT/LOT A	519 N GOOSE CREEK BLVD GOOSE CREEK, SC 29445, UNIT/LOT B

### Previous Owner History:

Owner: CHURCH OF GOD OF PROPHE Sale Date: 08/05/2002 Sale Price: \$280,000.00 Deed Book-Page: 2845 - 0190 Plat: CAB L - 201 Transfer Notes: 10.00 Acres Recorded on Plat CAB L - 201  
 Owner: WACHOVIA BANK OF SC NA Sale Date: 11/22/1995 Sale Price: \$100,000.00 Deed Book-Page: 0771 - 0013 Plat: CAB L - 201 Transfer Notes: 10.00 Acres Recorded on Plat CAB L - 201

### Tax History: (limited to 10 years)

Tax Year	Receipt #	Tax District	Original Total	Total With Penalties (if applicable)	Pay Date	Pay Type	Delinquent	Taxed Value
2019	0046112	18	\$3,416.00	\$3,416.00	12/13/2019	Paid	No	\$0
2018	0045213	18	\$3,308.00	\$3,308.00	12/10/2018	Paid	No	\$0
2017	0043977	18	\$1,256.00	\$1,256.00	12/08/2017	Paid	No	\$0
2016	0042740	18	\$1,256.00	\$1,256.00	12/16/2016	Paid	No	\$0
2015	0042961	18	\$1,112.00	\$1,112.00	12/22/2015	Paid	No	\$0
2014	0042559	18	\$1,040.00	\$1,040.00	12/19/2014	Paid	No	\$0
2013	0041643	18	\$1,040.00	\$1,040.00	12/06/2013	Paid	No	\$0
2012	0062100	18	\$1,040.00	\$1,040.00	01/04/2013	Paid	No	\$0
2011	0062453	18	\$780.00	\$780.00	01/10/2012	Paid	No	\$0
2010	0041732	18	\$75.00	\$75.00	12/31/2010	Paid	No	\$0

### Sales Information:

Last Sale Date: 08/05/2002  
 Recording Date: 08/06/2002  
 Sale Price: \$280000.00

Plot Information: CAB L - 201  
 Deed Book: 2845  
 Deed Page: 0190

Sales Validity: 0  
 Validity Other:

### Valuation Information:

Building Market: 0  
 Land Market: 2,295,000

Building Taxable (4% Res): 0  
 Building Taxable (6% Other): 0  
 Building Taxable (4% Ag): 0  
 Building Taxable (6% Ag): 0

Land Taxable (4% Res): 0  
 Land Taxable (6% Other): 395,428  
 Land Taxable (4% Ag): 0  
 Land Taxable (6% Ag): 0

Total Taxable Value: 395,428 Total Assessment: 23,720

### Fee Summary:

Fee Name	Fee Amount
Stormwater Utility Fee	2,232
Comm Land Fill Fee	1,184

Building Information:

Building Count: 2  
Residence Count: 0

Yard Item Count: 0  
Mobile Homes on Property: 0

Building #: 1 BuildingType: NOAP - Non-Appraised Buildings

Depreciation Type: Depreciation %: .00

Quality:

Sub Area	Sub Area Description	Sketched Area (SqFt)
NOAP	NotAppraised	37000.0
		Building Total Finished SQFT: 0.0

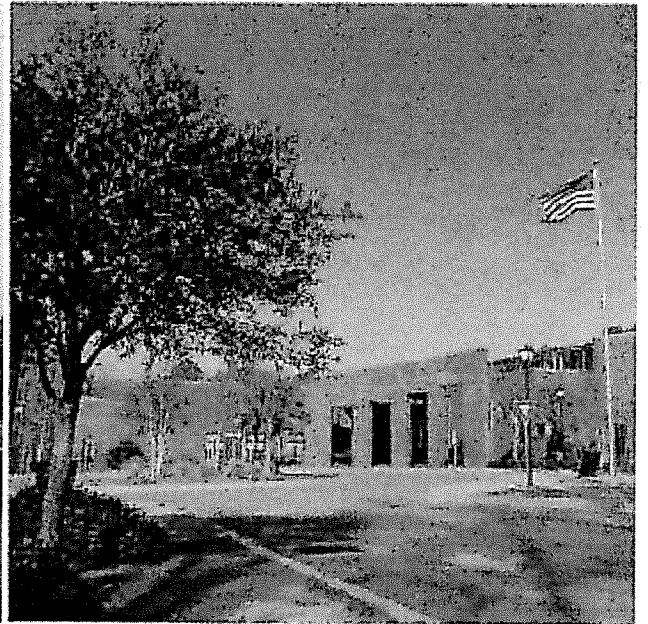
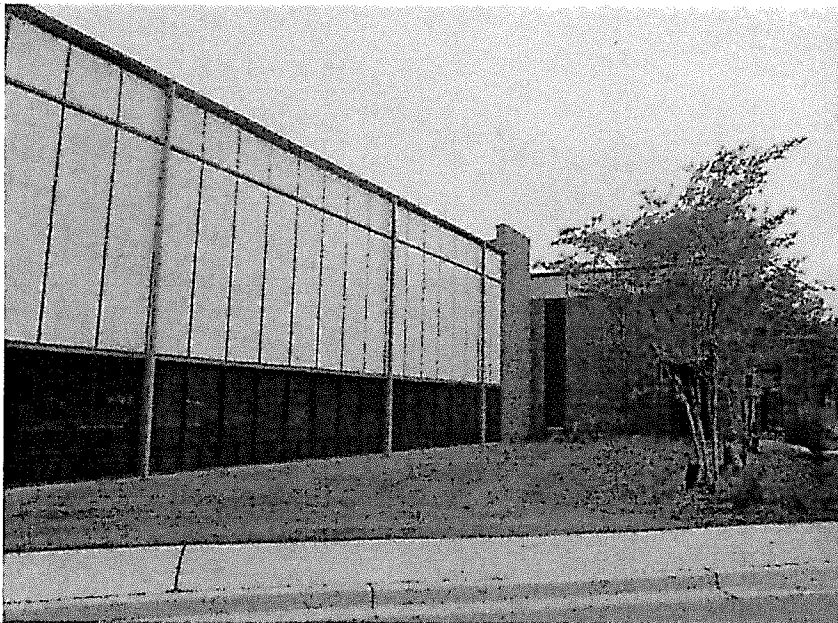
Building #: 2 BuildingType: 795 - COMMUNITY CENTERS (SEC 11 PG 18)

Depreciation Type: Depreciation %:

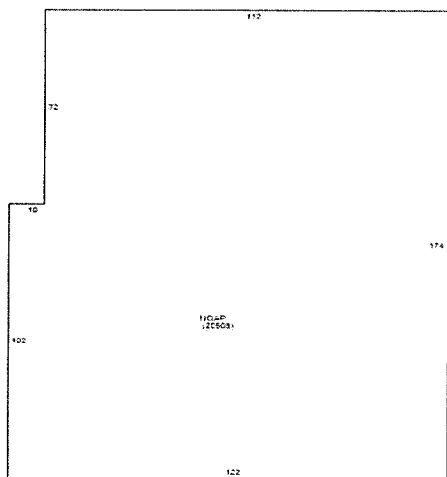
Quality:

Sub Area	Sub Area Description	Sketched Area (SqFt)
NOAP	NotAppraised	20508.0
		Building Total Finished SQFT: 0.0

Image(s) on file:



Sketch on File:



**RESOLUTION #:**

**A RESOLUTION**

**A RESOLUTION AUTHORIZING THE CITY OF GOOSE CREEK TO ENTER INTO AN AGREEMENT WITH CHARLESTON LOCAL DEVELOPMENT CORPORATION IN A PARTNERSHIP TO CREATE A REVOLVING LOAN FUND AND ALSO INITIATE THE “KICKSTART THE CREEK” BUSINESS ASSISTANCE PROGRAM**

**WHEREAS**, small businesses play a vital role as economic engines for the City of Goose Creek, as well as in enhancing the quality of life for Goose Creek citizens; and

**WHEREAS**, many small businesses across our city, region, state, and nation have faced tremendous financial hardship due to the Covid-19 pandemic; and

**WHEREAS**, as businesses re-open, they continue facing financial difficulties due to lower operating capacities and more stringent safety regulations; and

**WHEREAS**, access to working capital is one of the primary needs of small businesses at this time; and

**WHEREAS**, some businesses have accessed financial resources from the Federal government, but a need still remains for working capital as we enter the re-opening phase of the pandemic; and

**WHEREAS**, the City of Goose Creek desires to help our small businesses thrive and wants to be an active partner with our local businesses by creating the “Kickstart the Creek” Business Assistance Program; and

**WHEREAS**, the City of Goose Creek has maintained a healthy fund balance for emergencies such as this pandemic, and has identified a portion in the amount of \$250,000 of unassigned fund balance that can be wisely used to assist businesses; and

**WHEREAS**, the City of Goose Creek desires to establish a revolving loan fund, in partnership with the Charleston Local Development Corporation, better known as Charleston LDC, to assist small businesses through working capital loans.

**NOW, THEREFORE BE IT RESOLVED**, that City Council hereby directs staff to begin the “Kickstart the Creek” Business Assistance Program by assigning an appropriate amount of unassigned fund balance to be used as initial capital in a revolving loan fund program to assist small businesses, and also to enter into a partnership with Charleston LDC to assist in administering the loan program.

**CITY OF GOOSE CREEK,  
SOUTH CAROLINA**

(SEAL)

\_\_\_\_\_  
Mayor Gregory S. Habib

ATTEST:

\_\_\_\_\_  
Kelly J. Lovette, MMC, City Clerk



THE CITY OF  
**GOOSE CREEK**  
BERKELEY CO. EST. 1961 SO. CAROLINA

**Gregory S. Habib**  
MAYOR

**Debra Green-Fletcher**  
**Kevin M. Condon**  
**Corey D. McClary**  
**Jerry Tekac**  
**Gayla S.L. McSwain**  
**Christopher Harmon**  
CITY COUNCIL

**Tyler Howanyk**  
INTERIM CITY ADMINISTRATOR

519 N. GOOSE CREEK BOULEVARD  
P.O DRAWER 1768  
GOOSE CREEK, SC 29445-1768  
TEL (843) 797-6220  
FAX (843) 863-5208

May 29, 2020

TO: Tyler Howanyk, Interim City Administrator  
FROM: Matt Brady, Economic Development Director

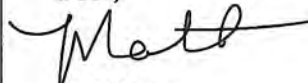
SUBJECT: Goose Creek Business Assistance Program / "Kickstart the Creek"

Tyler,

Appended to this memo is a draft resolution for the **Kickstart the Creek** Program for Council's consideration.

Kickstart the Creek is designed to provide low-interest working capital loans to small businesses within the City of Goose Creek negatively affected by Covid-19. To implement the program, we would partner with Charleston Local Development Corporation (LDC) to issue the loans and assist in underwriting and other loan examination needs. I've also included a memorandum of understanding between the City and LDC.

Best,

  
Matt Brady





June 5, 2020

Matt Brady  
Economic Development Director  
City of Goose Creek SC

Dear Mr. Brady:

The following memo of understanding describes the partnership between the City of Goose Creek (City) and the Charleston LDC (LDC) to create a Goose Creek Business Assistance Program.

**Overview:**

The City and the LDC team up to create Loan Fund for small businesses in Goose Creek impacted by the COVID-19 crisis.

**Commitments:**

The City is to grant the LDC \$250,000 in unrestricted funds through one disbursement round.

The LDC agrees to use the disbursed funds for loans along the guidelines listed below. The funds will be kept in a separate account which will be auditable by the City of Goose Creek.

**Details:**

The LDC agrees to create and administer the City's Goose Creek Business Assistance Program.

The loan program will operate within the following parameters:

- Loan amounts from \$2,500 to \$25,000
- Borrowers must have a physical location within the corporate limits of the City of Goose Creek
- Borrowers must be able to demonstrate (using financial records) COVID-19 related impact to business operations incurred March 1, 2020, or later
- Loans will be used exclusively for working capital
- Small Business is defined as those businesses with 25 or fewer full-time-equivalent employees, including franchises with fewer than 25 employees in the City

Terms:

- Interest rate of no more than 4%
- The LDC retains 3% of interest paid, with the remaining 1% reinvested into the program
- Loan origination fee is 1% of loan total to cover closing costs, paid by the City
- The principal repayments will be reinvested into the program
- Application fee of \$25, payable to LDC
- Loan term of twelve months for loans \$2,500 - \$10,000 / 24 months for loans \$10,001 - \$25,000 (term may be extended after analyzing the recipient's ability to repay due to COVID-19 operating restrictions)
- No prepayment penalty
- Full personal and corporate guarantees
- The City will screen:
  - Business location
  - Number of employees
  - Goose Creek valid business license
- The LDC is responsible for loan underwriting and has sole decision-making on loan approval and terms
- Loan payments will be drawn by ACH from borrowers' bank accounts
- The LDC will provide the City with the business name and loan amount
- The LDC will provide the City with quarterly reports on portfolio performance

Non-Eligibility:

- Churches and other nonprofits
- Multi-level marketing businesses
- Financial/Lending institutions
- Private membership or fraternal organizations
- Adult-oriented businesses
- Businesses with over 25 full-time employees or equivalent
- Businesses that started after March 1, 2020

We look forward to working you.

Best Regards,



Steve Saltzman

***NEW BUSINESS & PUBLIC HEARINGS***



THE CITY OF  
**GOOSE CREEK**  
 BERKELEY CO. EST. 1961 SO. CAROLINA

# Request for City Council Agenda Item

**To:** City Administrator, Mayor and City Council

**From:** Frank Johnson, PIO/Annexation Coord.

Please check one box

Regular Meeting

Special Meeting

Work Session

Proclamation

Please check one box, if applicable

Ordinance

Resolution

### Ordinance/Resolution Title

AN annexation ORDINANCE for 117 Nello Drive (TMS 235-14-04-031)

### Background Summary

Annexation of 3.28 acres, zoned as Residential

### Financial Impact

None

### Impact if denied

### Impact if approved

Department Head:

Franklin  
 Johnson

Signature & Date

Digitally signed by Franklin Johnson  
 DN: dc=local, dn=goosecreek, ou=GCCITY  
 Users, ou=City Hall - Administration,  
 ou=PIO, cn=Franklin Johnson  
 Date: 2020.07.09 09:02:34 -0400

City Administrator:

*nmz 7/9/2020*  
 Signature & Date



AN ORDINANCE

AN ORDINANCE PURSUANT TO TITLE 5, CHAPTER 3, SECTION 5-3-150, SUBSECTION 3, OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED, TO ANNEX AN AREA IDENTIFIED AS TMS 235-14-04-031 INTO THE CITY OF GOOSE CREEK, A SOUTH CAROLINA MUNICIPAL CORPORATION

WHEREAS, Title 5, Chapter 3, Section 5-3-150(3) of the Code of Laws of South Carolina, 1976, as amended, provides for the annexation of any area or property which is contiguous to a city or town by filing a petition with the municipal governing body which is signed by one-hundred percent (100%) or more of the owners owning at least one-hundred percent (100%) of the assessed valuation of the real property in the area requesting annexation; and

WHEREAS, one-hundred percent (100%) of the freeholders owning one-hundred percent (100%) of the assessed valuation of the real property in the area hereafter delineated and described, have filed a petition with the City Council of Goose Creek, South Carolina, requesting that such property be annexed into the City of Goose Creek, South Carolina. Such property is contiguous to the current City limits of the City of Goose Creek, and is described as follows:

TMS #235-14-04-031 (117 Nello Drive, Goose Creek)

To include any road, waterway, easement, railroad track, marshland or utility line that intervenes between these properties and the municipal limits of the City of Goose Creek.

The owner of said property has requested that the property be annexed into the City of Goose Creek. All applicable City services will be provided immediately upon annexation.

WHEREAS, the property is a closed parcel of land in Berkeley County, South Carolina, consisting of 3.28 acres, more or less, for the purpose of annexation into the City of Goose Creek. The area is more fully shown on a plat entitled "Annexation Request Property Identified as TMS #235-14-04-031" as prepared by the City.

NOW, THEREFORE, BE IT ORDAINED and ordered by the Mayor and City Council of the City of Goose Creek, South Carolina, in Council duly assembled, that all real properties as hereinafter delineated and described are hereby annexed into the City of Goose Creek, South Carolina, a South Carolina municipal corporation, pursuant to Title 5, Chapter 3, Section 5-3-150(3) of the Code of Laws of South Carolina, 1976, as amended, and a zoning district classification of R1 will apply.

INTRODUCED the 14th day of July 2020.

DONE the \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor Gregory S. Habib

Attest: \_\_\_\_\_  
Kelly J. Lovette, MMC, City Clerk

\_\_\_\_\_  
Mayor Pro Tem Kevin M. Condon

\_\_\_\_\_  
Councilmember Debra Green-Fletcher

\_\_\_\_\_  
Councilmember Corey McClary

\_\_\_\_\_  
Councilmember Jerry Tekac

\_\_\_\_\_  
Councilmember Gayla McSwain

\_\_\_\_\_  
Councilmember Christopher Harmon



# CITY OF GOOSE CREEK ANNEXATION APPLICATION



Date:

REQUESTED ANNEXATION METHOD (CIRCLE ONE): 100%      75%      25%

TMS#: 235-14-04-031

ADDRESS: 117 NELLO DR.

PROPERTY OWNER(S): Kinh Nguyen

CURRENT COUNTY ZONING DISTRICT:                      REQUESTED CITY ZONING DISTRICT:

TOTAL ACREAGE TO BE ANNEXED: ALL 3.5 ACRE

IS THIS PROPERTY VACANT? (CIRCLE ONE) YES      NO

IF NOT VACANT, PLEASE DESCRIBE ANY EXISTING BUILDINGS ON THE PROPERTY:

**ANNEXATION REQUIREMENTS**

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>1. A letter of intent.</li> <li>2. A summary of future plans for the property.</li> <li>3. A copy of the property's deed.</li> </ul> | <ul style="list-style-type: none"> <li>4. Signature authority documentation, if the applicant is not the property owner.</li> <li>5. An original copy of the Annexation Application.</li> </ul> |
|---|---|

**Contact Information\***

Name (Printed): Fred Huynh

Telephone: 803-678-7288

Address: 117 Nello Dr.

Signature of Owner/Applicant\* \_\_\_\_\_

\*Proper documentation of the identity of an applicant who is not the owner of the property must be provided. If the property is owned by a company, please provide documentation of the applicant's position within the company represented. If the annexation is being proposed on behalf of a property owner, complete documentation of both the applicant's identity, and a certified, filed copy of a Power of Attorney granting permission to apply, must be provided. Proper documentation is subject to the approval of the City Clerk.

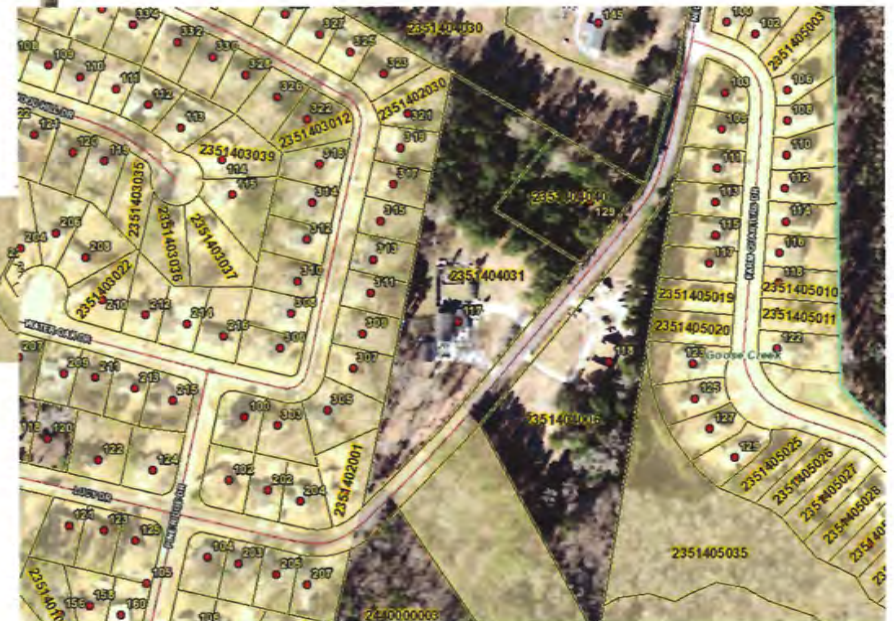
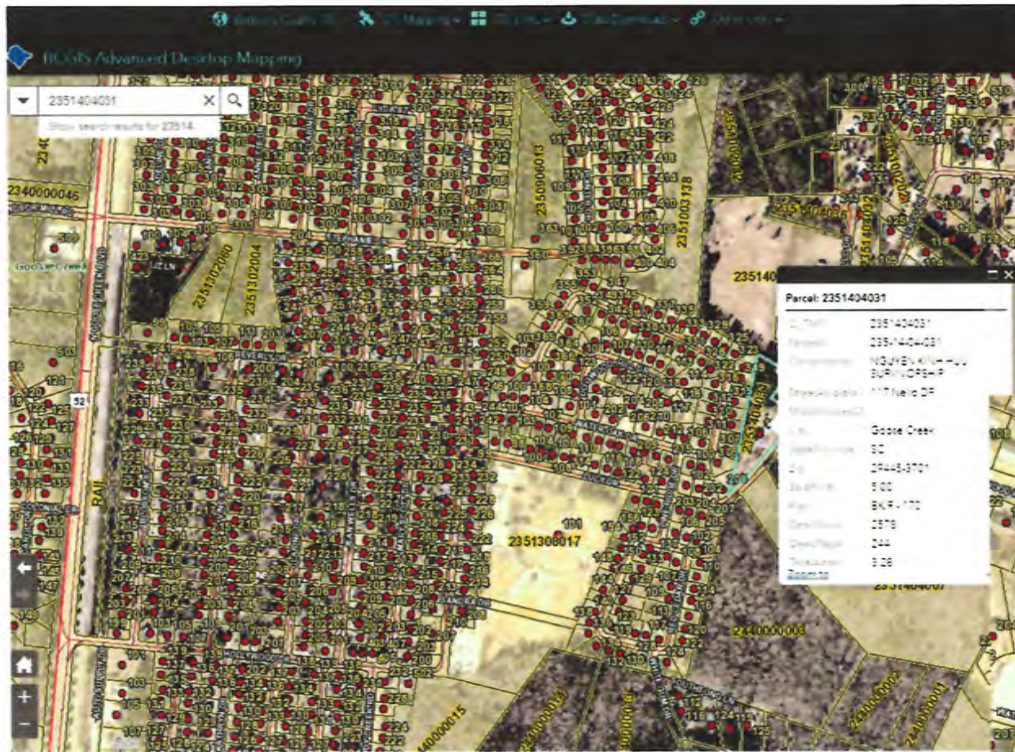
Please return this form and supporting documents to:  
 Frank Johnson, Annexation Coordinator  
 City of Goose Creek  
 PO Drawer 1768  
 Goose Creek, SC 29445

**For more information please call (843) 797-6220 Ext. 1117**





**CITY OF GOOSE CREEK  
ANNEXATION REQUEST PROPERTY  
TMS #235-14-04-031  
3.28 ACRES**







# BERKELEY COUNTY SC

## Property Card

### Summary Information:

TMS: 235-14-04-031  
**Owner Information:**  
 NGUYEN KINH HUU SURVIVORSHIP  
 117 Nella DR  
 Goose Creek, SC 294453701

Council District: C3  
 Fire District: F14  
 Tax District: T28  
 TIS Zone: 1  
 Jurisdiction: 1P  
 Acres: 3.28  
 Lots: 0 0

Neighborhood: D433 - RURAL GOOSE CREEK SOUTH TO WEAPONS STATION  
 Appraiser ID: EM  
 Lot: Block: Section:  
 Zoning: Berkeley County - R1  
 Homestead Exempt: No  
 Parent TMS:  
 Notes: OK - RESSMT 5/98 WB  
 SOLD 0.82 AC TO DEL FAVERO VINCENT PARKER 11/99  
 SPLITS HOUSE STAYS HERE 1/00  
 NO CHANGE REASSESSMENT 2004 11/02  
 APPEAL FOR 2005 NO CHANGE 1/05 SWM  
 SALE NO CHANGE 11/06 SWM

Site addresses:
117 Nella Dr Goose Creek, SC 294453701

### Previous Owner History:

Owner: NGUYEN MONICA XUAN	Sale Date: 09/25/2017	Sale Price: \$5,000	Deed Book-Page: 2578 - 244	Plot: BK R - 170	Transfer Notes:
Owner: FEDERAL NATIONAL MORTGAGE ASSOCIATION	Sale Date: 12/14/2010	Sale Price: \$110,000.00	Deed Book-Page: 8762 - 298	Plot:	Transfer Notes: PLAT RECORDED - CAB O 193-P (3 28) 02/11
Owner: BARNHART SARAH (MASTER DEED)	Sale Date: 09/01/2010	Sale Price: \$2,500.00	Deed Book-Page: 8624 - 230	Plot:	Transfer Notes:
Owner: DEL FAVERO JANIE RUTH	Sale Date: 11/13/2006	Sale Price: \$215,000.00	Deed Book-Page: 6127 - 0293	Plot: R - 170	Transfer Notes: 3.28 Acres Recorded on Plot R - 170
Owner: DEL FAVERO EDWARD R (D	Sale Date: 02/15/2005	Sale Price: \$0.00	Deed Book-Page: 4518 - 0197	Plot: R - 170	Transfer Notes: 3.28
Owner: DEL FAVERO EDWARD R 1/	Sale Date: 08/02/1993	Sale Price: \$5,000	Deed Book-Page: 0343 - 0346	Plot: R - 170	Transfer Notes: 4.10 Acres Recorded on Plot R - 170
Owner: JOSEPH A NEWELL	Sale Date: 01/06/1969	Sale Price: \$3,400.00	Deed Book-Page: A193 - 0025	Plot: R - 170	Transfer Notes: 4.10 Acres Recorded on Plot R - 170

### Assessment Notice Reprint

Choose the tax year of the notice you would like to reprint...

### Tax History: (limited to 10 years)

Tax Year	Assessment R	Fire District	Original Value	Adjusted Value (with applicable fees)	Pay Date	Prct. Paid	Delinquent	Taxable Value
2019	0075717	28	\$948.33	\$948.33	10/24/2019	Paid	No	\$136,500
2018	0074294	28	\$957.25	\$957.25	10/15/2018	Paid	No	\$134,700
2017	0072756	28	\$2,151.21	\$2,151.21	10/11/2017	Paid	No	\$114,400
2016	0070724	28	\$2,169.85	\$2,368.24	02/07/2017	Paid	No	\$114,400
2015	0070526	28	\$2,073.47	\$2,073.47	12/31/2015	Paid	No	\$114,400
2014	0069063	28	\$1,946.25	\$1,946.25	11/12/2014	Paid	No	\$114,400
2013	0067988	28	\$1,730.66	\$1,730.66	10/24/2013	Paid	No	\$103,800
2012	0088025	28	\$1,640.53	\$1,640.53	01/03/2013	Paid	No	\$103,800
2011	0088009	8	\$1,572.52	\$1,572.52	01/11/2012	Paid	No	\$103,800
2010	0016298	8	\$837.63	\$837.63	12/01/2010	Paid	No	\$200,300

### Sales Information:

Last Sale Date: 09/25/2017  
 Recording Date: 10/03/2017  
 Sale Price: \$5,000

Plot Information: BK R - 170  
 Deed Book: 2578  
 Deed Page: 244

Sales Validity: 2A  
 Validity Other:

Valuation Information:

Building Market: 63,000  
Land Market: 73,500

Building Taxable (4% Res): 63,000  
Building Taxable (6% Other): 0  
Building Taxable (4% Ag): 0  
Building Taxable (6% Ag): 0

Land Taxable (4% Res): 73,500  
Land Taxable (6% Other): 0  
Land Taxable (4% Ag): 0  
Land Taxable (6% Ag): 0

Total Taxable Value: 136,500 Total Assessment: 5,460

Fee Summary:

Fee Name:	Fee Amount
Land Fill Fee	75
Stormwater Utility Fee	36
Fire Fee	225

Building Information:

Building Count: 1  
Residence Count: 1

Yard Item Count: 1  
Mobile Homes on Property: 0

Building #: 1 BuildingType: 5 - CLASS 5 RESIDENCE

Depreciation Type: Depreciation %: .00

Quality: LOW

Sub Area	Sub Area Description	Sketched Area (Sqft)
DGRW	Garage Wood	680.0
ASFL	Second Floor	1248.0
DSTO	Storage	238.0
AFFL	1st Floor	1677.0
APOR	Porch	119.0
AEGA	Encl'd Garage	483.0
APOR	Porch	115.0

Building Total Finished SQFT: 2925.0

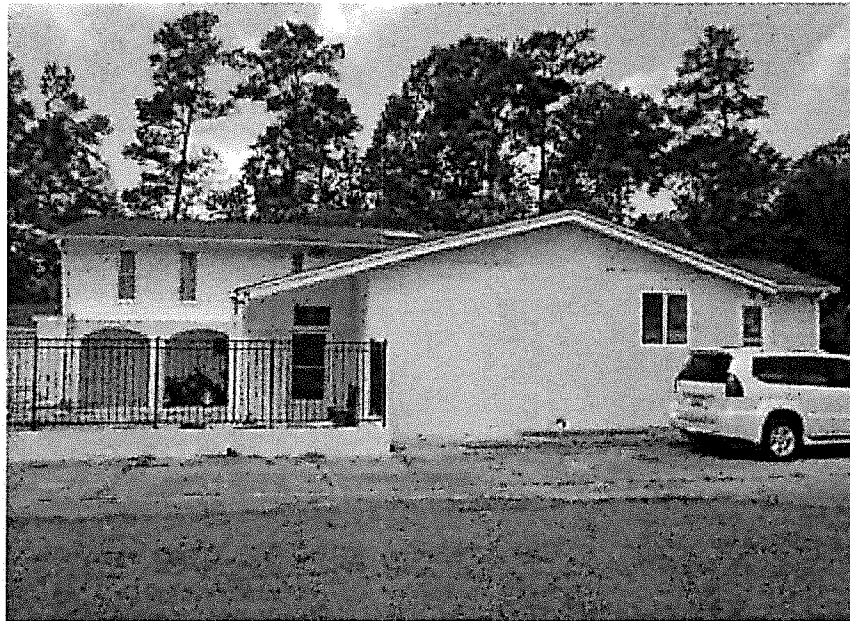
Yard Item Information:

Yard Item Name	Count/Number	Unit
Garage Wood	1	680.00000
Storage	1	238.00000
Shed	1	192.00000
Shed	1	238.00000
Storage	1	115.00000

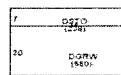
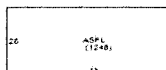
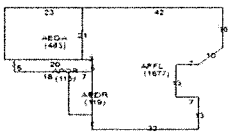
Image(s) on file:







Sketch on File:





THE CITY OF  
**GOOSE CREEK**  
BERKELEY CO. EST. 1961 SO. CAROLINA

# Request for City Council Agenda Item

**To:** City Administrator, Mayor and City Council

**From:** Tyler Howanyk, Finance Director

Please check one box

Regular Meeting

Special Meeting

Work Session

Proclamation

Please check one box, if applicable

Ordinance

Resolution

### Ordinance/Resolution Title

Amend business license ordinance to repeal current ordinance and replace with the Model Ordinance.

### Background Summary

The Municipal Association of South Carolina has developed a Model Business License Ordinance, the City will be adopting this model ordinance.

### Financial Impact

None

### Impact if denied

.The City will not be able to use the Municipal Association's business license portal and the City will not have the model ordinance

### Impact if approved

The City will be able to use the Municipal Association's business license portal and the City will have the model ordinance.

Department Head:

Tyler  
 Howanyk

Digitally signed by Tyler  
 Howanyk  
 Date: 2020.07.08  
 10:14:46 -04'00'

*Signature & Date*

City Administrator:

Natalie  
 Zeigler

Digitally signed by Natalie  
 Zeigler  
 Date: 2020.07.08  
 10:18:41 -04'00'

*Signature & Date*

AN ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF GOOSE CREEK, SOUTH CAROLINA, BY REPEALING IN ITS ENTIRETY THE CURRENT SECTIONS 110.001 TO 110.022; OCCUPATIONAL LICENSES, TAXES AND REGULATIONS AND ADOPTING IN LIEU THEREOF NEW SECTIONS 110.001 TO 110.021; OCCUPATIONAL LICENSES, TAXES AND REGULATIONS, WHICH IS ATTACHED HERETO AND MADE PART HEREOF AS IS FULLY SET OUT HEREIN

**WHEREAS**, the Municipal Association of South Carolina has developed a Model Business License Ordinance for the municipalities of the state, and

**WHEREAS**, this Model Ordinance establishes a straightforward rate structure based upon federally established identification codes to classify businesses and an eight- rate class structure, and

**WHEREAS**, a uniform business license ordinance adopted by multiple jurisdictions helps businesses comply with the business license ordinance by making the ordinance standardized across the state, and

**NOW, THEREFORE, BE IT ORDAINED** and ordered by the Mayor and City Council of the City of Goose Creek, South Carolina, in Council duly assembled, that the City of Goose Creek, South Carolina, hereby

**110.001     License Required.**

Every person engaged or intending to engage in any calling, business, occupation or profession, in whole or in part, within the limits of the City of Goose Creek, South Carolina, is required to pay an annual license tax for the privilege of doing business and obtain a business license as herein provided.

**110.002     Definitions.**

The following words, terms and phrases, when used in this ordinance, shall have the meaning ascribed herein:

*“Business”* means a calling, occupation, profession, or activity engaged in with the object of gain, benefit or advantage, either directly or indirectly.

*“Charitable Organization”* means an organization that is determined by the Internal Revenue Service to be exempt from Federal income taxes under 26 U.S.C. section 501 (c) (3), (4), (6), (7), (8), (10) or (19).

*“Charitable Purpose”* means a benevolent, philanthropic, patriotic, or eleemosynary purpose which does not result in personal gain to a sponsor, organizer, officer, director, trustee or person with ultimate control of the organization.

*“Classification”* means that division of businesses by major groups subject to the same license rate as determined by a calculated index of ability to pay based on national averages, benefits, equalization of tax burden, relationships of services, or other basis deemed appropriate by the Council.



*“Gross Income”* means the gross receipts or gross revenue of a business, received or accrued, for one calendar or fiscal year collected or to be collected from business done within the Municipality, excepting therefrom income earned outside of the Municipality on which a license tax is paid by the business to some other municipality or a county and fully reported to the Municipality. Gross income for agents means gross commissions received or retained, unless otherwise specified. Gross income for insurance companies means gross premiums written. Gross income for business license tax purposes shall not include taxes collected for a governmental entity, escrow funds, or funds which are the property of a third party. The value of bartered goods or trade-in merchandise shall be included in gross income. The gross receipts or gross revenues for business license purposes may be verified by inspection of returns and reports filed with the Internal Revenue Service, the South Carolina Department of Revenue, the South Carolina Department of Insurance, or other government agencies.

*“License Official”* means a person designated to administer this ordinance.

*“Licensee”* means the business, the person applying for the license on behalf of the business, an agent or legal representative of the business, a person who receives any part of the net profit of the business, or a person who owns or exercises control of the business.

*“Municipality”* means the City of Goose Creek, South Carolina.

*“Person”* means any individual, firm, partnership, LLP, LLC, cooperative non-profit membership, corporation, joint venture, association, estate, trust, business trust, receiver, syndicate, holding company, or other group or combination acting as a unit, in the singular or plural, and the agent or employee having charge or control of a business in the absence of the principal.

**110.003 Purpose and Duration.**

The business license levied by this ordinance is for the purpose of providing such regulation as may be required for the business subject thereto and for the purpose of raising revenue for the general fund through a privilege tax. Each yearly license shall be issued for the twelve-month period of May 1 to April 30. The provisions of this ordinance and the rates herein shall remain in effect from year to year as amended by the Council.

**110.004 License Tax.**

A. The required license tax shall be paid for each business subject hereto according to the applicable rate classification on or before the due date of the 30th day of April in each year, except for those businesses in Rate Class 8 for which a different due date is specified.

B. A separate license shall be required for each place of business and for each classification or business conducted at one place. If gross income cannot be separated for classifications at one location, the license tax shall be computed on the combined gross income for the classification requiring the highest rate. A license tax based on gross income shall be computed on the gross income for the preceding calendar or fiscal year, and on a twelve-month projected income based on the monthly average for a business in operation for less than one year. The tax for a new business shall be computed on the estimated probable gross income stated in the license application for the balance of the license year. The initial tax for an annexed business shall be prorated for the number of months remaining in the license year. No refund shall be made for a business that is discontinued.

**110.005      Registration Required.**

A. The owner, agent or legal representative of every business subject to this ordinance, whether listed in the classification index or not, shall register the business and make application for a business license on or before the due date of each year; *provided*, a new business shall be required to have a business license prior to operation within the Municipality, and an annexed business shall be required to have a business license within thirty (30) days of the annexation. A license for a bar (NAICS 722410) must be issued in the name of the individual who has been issued a State alcohol, beer or wine permit or license and will have actual control and management of the business.

B. Application shall be on a form provided by the License Official which shall contain the Social Security Number and/or the Federal Employer's Identification Number, the business name as reported on the South Carolina income tax return, and all information about the applicant and the Licensee and the business deemed appropriate to carry out the purpose of this ordinance by the License Official. Applicants may be required to submit copies of portions of state and federal income tax returns reflecting gross receipts and gross revenue figures.

C. The applicant shall certify under oath that the information given in the application is true, that the gross income is accurately reported, or estimated for a new business, without any unauthorized deductions, and that all assessments, personal property taxes on business property and other monies due and payable to the Municipality have been paid.

**110.006      Deductions, Exemptions, and Charitable Organizations.**

A. No deductions from gross income shall be made except income earned outside of the Municipality on which a license tax is paid by the business to some other municipality or a county and fully reported to the Municipality, taxes collected for a governmental entity, or income which cannot be included for computation of the tax pursuant to State or Federal law. The applicant shall have the burden to establish the right to exempt income by satisfactory records and proof.

B. No person shall be exempt from the requirements of the ordinance by reason of the lack of an established place of business within the Municipality, unless exempted by State or Federal law. The License Official shall determine the appropriate classification for each business in accordance with the latest issue of the North American Industry Classification System (NAICS) for the United States published by the Office of Management and Budget. No person shall be exempt from this ordinance by reason of the payment of any other tax, unless exempted by State law, and no person shall be relieved of liability for payment of any other tax or fee by reason of application of this ordinance.

C. A Charitable Organization shall be exempt from the business license tax on its gross income unless it is deemed a business subject to a business license tax on all or part of its gross income as provided in this section. A Charitable Organization, or any for-profit affiliate of a Charitable Organization, that reports income from for-profit activities, or unrelated business income, for Federal income tax purposes to the Internal Revenue Service shall be deemed a business subject to a business license tax on the part of its gross income from such for-profit activities or unrelated business income.

A Charitable Organization shall be deemed a business subject to a business license tax on its total gross income if (1) any net proceeds of operation, after necessary expenses of operation, inure to the benefit of any individual or any entity that is not itself a Charitable Organization as defined in this ordinance, or (2) any net proceeds of operation, after necessary expenses of operation, are used for a purpose other than a Charitable Purpose as defined in this ordinance. Excess benefits or compensation in any

form beyond fair market value to a sponsor, organizer, officer, director, trustee or person with ultimate control of the organization shall not be deemed a necessary expense of operation.

**110.007 False Application Unlawful.**

It shall be unlawful for any person subject to the provisions of this ordinance to make a false application for a business license, or to give or file, or direct the giving or filing of, any false information with respect to the license or tax required by this ordinance.

**110.008 Display and Transfer.**

A. All persons shall display the license issued to them on the original form provided by the License Official in a conspicuous place in the business establishment at the address shown on the license. A transient or non-resident shall carry the license upon his person or in a vehicle used in the business readily available for inspection by any authorized agent of the Municipality.

B. A change of address must be reported to the License Official within ten (10) days after removal of the business to a new location and the license will be valid at the new address upon written notification by the License Official and compliance with zoning and building codes. Failure to obtain the approval of the License Official for a change of address shall invalidate the license and subject the licensee to prosecution for doing business without a license. A business license shall not be transferable, and a transfer of controlling interest shall be considered a termination of the old business and the establishment of a new business requiring a new business license, based on old business income.

**110.009 Administration of Article.**

The License Official shall administer the provisions of this article, collect license taxes, issue licenses, make or initiate investigations and audits to insure compliance, initiate denial or suspension and revocation procedures, report violations to the municipal attorney, assist in prosecution of violators, produce forms, make reasonable regulations relating to the administration of this ordinance, and perform such other duties as may be duly assigned.

**110.010 Inspection and Audits.**

A. For the purpose of enforcing the provisions of this ordinance, the License Official or other authorized agent of the Municipality is empowered to enter upon the premises of any person subject to this ordinance to make inspections, examine and audit books and records. It shall be unlawful for any such person to fail or refuse to make available the necessary books and records. In the event an audit or inspection reveals that the licensee has filed false information, the costs of the audit shall be added to the correct license tax and late penalties in addition to other penalties provided herein. Each day of failure to pay the proper amount of license tax shall constitute a separate offense.

B. The License Official shall have the authority to make inspections and conduct audits of businesses within the Municipality to ensure compliance with the ordinance. Financial information obtained by inspections and audits shall not be deemed public records, and the License Official shall not release the amount of license taxes paid or the reported gross income of any person by name without written permission of the licensee, except as authorized by this ordinance, State or Federal law, or proper judicial order. Statistics compiled by classifications are public records.



**110.011 Assessments, Payment under Protest, Appeal.**

A. If a person fails to obtain a business license or to furnish the information required by this ordinance or the License Official, the License Official shall examine such records of the business or any other available records as may be appropriate, and conduct such investigations and statistical surveys as the License Official may deem appropriate to assess a license tax and penalties as provided herein.

B. A notice of assessment shall be served by certified mail or personal service. An application for adjustment of the assessment may be made to the License Official within five (5) days after the notice is mailed or personally served or the assessment will become final. The License Official shall establish a uniform procedure for hearing an application for adjustment of assessment and issuing a notice of final assessment.

C. A final assessment may be appealed to the Council only by payment in full of the assessment under protest within five (5) days and the filing of written notice of appeal within ten (10) days after payment pursuant to the provisions of this ordinance relating to appeals to Council.

**110.012 Delinquent License Taxes, Partial Payment.**

A. For non-payment of all or any part of the correct license tax, the License Official shall levy and collect a late penalty of five (5%) percent of the unpaid tax for each month or portion thereof after the due date until paid. Penalties shall not be waived. If any license tax remains unpaid for sixty (60) days after its due date, the License Official shall report it to the municipal attorney for appropriate legal action.

B. Partial payment may be accepted by the License Official to toll imposition of penalties on the portion paid; *provided*, however, no business license shall be issued or renewed until the full amount of the tax due, with penalties, has been paid.

**110.013 Notices.**

The License Official may, but shall not be required to, mail written notices that license taxes are due. If notices are not mailed, there shall be published a notice of the due date in a newspaper of general circulation within the municipality three (3) times prior to the due date in each year. Failure to receive notice shall not constitute a defense to prosecution for failure to pay the tax due or grounds for waiver of penalties.

**110.014 Denial of License.**

The License Official shall deny a license to an applicant when the License Official determines:

A. The application is incomplete, contains a misrepresentation, false or misleading statement, evasion or suppression of a material fact; or

B. The activity for which a license is sought is unlawful or constitutes a public nuisance per se or per accidents; or

C. The applicant, Licensee or prior Licensee or the person in control of the business has been convicted, within the previous ten years, of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods; or

D. The applicant, Licensee or prior Licensee or the person in control of the business has engaged in an unlawful activity or nuisance related to the business or to a similar business in the Municipality or in another jurisdiction; or

E. The applicant, Licensee or prior Licensee or the person in control of the business is delinquent in the payment to the Municipality of any tax or fee; or

F. The license for the business or for a similar business of the Licensee in the Municipality or another jurisdiction has been denied, suspended or revoked in the previous license year.

A decision of the License Official shall be subject to appeal to Council as herein provided. Denial shall be written with reasons stated.

**110.015     Suspension or Revocation of License.**

When the License Official determines:

A. A license has been mistakenly or improperly issued or issued contrary to law; or

B. A Licensee has breached any condition upon which the license was issued or has failed to comply with the provisions of this ordinance; or

C. A Licensee has obtained a license through a fraud, misrepresentation, a false or misleading statement, evasion or suppression of a material fact in the license application; or

D. A Licensee has been convicted, within the previous ten years, of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods; or

E. A Licensee has engaged in an unlawful activity or nuisance related to the business; or

F. A Licensee is delinquent in the payment to the Municipality of any tax or fee, the License Official shall give written notice to the Licensee or the person in control of the business within the Municipality by personal service or certified mail that the license is suspended pending a hearing before Council for the purpose of determining whether the license should be revoked.

The notice shall state the time and place at which the hearing is to be held, which shall be at a regular or special Council meeting within thirty (30) days from the date of service of the notice, unless continued by agreement. The notice shall contain a brief statement of the reasons for suspension and proposed revocation and a copy of the applicable provisions of this ordinance.

**110.016     Appeals to Council.**

A. Any person aggrieved by a decision, final assessment, proposed revocation, suspension, or a denial of a business license by the License Official may appeal the decision to the Council by written request stating the reasons therefore, filed with the License Official within ten (10) days after service by mail or personal service of the notice of decision, final assessment, proposed revocation, suspension or denial.

B. An appeal or a hearing on proposed revocation shall be held by the Council within thirty (30) days after receipt of a request for appeal or service of notice of suspension at a regular or special meeting of which the applicant or licensee has been given written notice, unless continued by agreement. At the hearing, all parties shall have the right to be represented by counsel, to present testimony and evidence and to cross-examine witnesses. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by Council shall govern the hearing. Council shall by majority vote of members present render a written

decision based on findings of fact and application of the standards herein which shall be served upon all parties or their representatives and shall be the final decision of the Municipality.

**110.017 Consent, franchise or license required for use of streets.**

A. It shall be unlawful for any person to construct, install, maintain or operate in, on, above or under any street or public place under control of the municipality any line, pipe, cable, pole, structure or facility for utilities, communications, cablevision or other purposes without a consent agreement or franchise agreement issued by the Council by ordinance that prescribes the term, fees and conditions for use.

B. The annual fee for use of streets or public places authorized by a consent agreement or franchise agreement shall be set by the ordinance approving the agreement and shall be consistent with limits set by State law. Existing franchise agreements shall continue in effect until expiration dates in the agreements. Franchise and consent fees shall not be in lieu of or be credited against business license taxes unless specifically provided by the franchise or consent agreement.

**110.018 Confidentiality.**

Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for any official or employee to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any report or return required under this ordinance. Nothing in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns. Any license data may be shared with other public officials or employees in the performance of their duties, whether or not those duties relate to enforcement of the license ordinance.

**110.019 Violations.**

Any person violating any provision of this ordinance shall be deemed guilty of an offense and shall be subject to a fine of up to \$500.00 or imprisonment for not more than thirty (30) days or both, upon conviction. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent taxes, penalties and costs provided for herein.

**110.020 Severability.**

A determination that any portion of this ordinance is invalid or unenforceable shall not affect the remaining portions.

**110.021 Classification and Rates.**

A. The classifications of businesses included in each rate class are listed with United States North American Industry Classification System (NAICS) codes, by sector, sub-sector, group or industry. The Business License Class Schedule (Appendix B) is a tool for classification and not a limitation on businesses subject to a license tax. The business classification, pursuant to the most recent version of the Business License Class Schedule adopted by the council, most specifically identifying the subject business, shall be applied to the business. The License Official shall have the authority to make the determination of the business classification most specifically applicable to a subject business.

B. The license tax for each class of businesses subject to this ordinance shall be computed in accordance with the current Business License Rate Schedule, designated as Appendix A to this ordinance, which may be amended from time to time by the Council. A copy of the Class Schedule and Rate Schedule shall be filed in the office of the municipal clerk.



**APPENDIX A**

**RATE SCHEDULE**

<b>RATE CLASS</b>	<b>INCOME: \$0 - \$2,000</b>	<b>INCOME OVER \$2,000</b>
	<b>BASE RATE</b>	<b>Rate per Thousand or fraction thereof</b>
1	\$ 30.00	\$ 2.00
2	\$ 40.00	\$ 2.15
3	\$ 50.00	\$ 2.30
4	\$ 60.00	\$ 2.45
5	\$ 70.00	\$ 2.60
6	\$ 80.00	\$ 2.75
7	\$ 90.00	\$ 2.90
8.1	\$ 75.00	\$ 2.40
8.2	\$ set by State statute	
8.3	MASC Telecommunications	
8.41	\$ 65.00	\$ 2.00
8.42	\$ 200.00	\$ 2.95
8.5	\$ 80.00	\$ 2.00
8.61	\$ 30.00	\$ 2.15
8.62	\$ 15.00	\$ 2.00
8.7	MASC Insurance	
8.81	\$12.50 + \$12.50 per machine	
8.82	\$ 100.00	\$ 2.95
8.83	\$12.50 + \$12.50 per machine	
8.91	\$ 200.00	\$ 2.95
8.92	\$ 300.00	\$ 3.50
8.93	\$ 200.00	\$ 2.95
8.10	\$ 200.00 + \$5.00 per table	\$ 2.95

**NON-RESIDENT RATES**

Unless otherwise specifically provided, all taxes and rates shall be doubled for nonresidents and itinerants having no fixed principal place of business within the municipality.

**DECLINING RATES**

Declining Rates apply in all Classes for gross income in excess of \$1,000,000, unless otherwise specifically provided for in this ordinance.

<b><u>Gross Income in \$ Millions</u></b> <b><u>additional \$1,000</u></b>	<b><u>Percent of Class Rate for each</u></b>
0 - 1	100%
1 - 2	90%
2 - 3	80%
3 - 4	70%
OVER 4	60%

**CLASS 8 RATES**

Each NAICS Number designates a separate sub-classification. The businesses in this section are treated as separate and individual subclasses due to provisions of State law, regulatory requirements, service burdens, tax equalization considerations, etc., which are deemed to be sufficient to require individually determined rates. Non-resident rates do not apply except where indicated.

**8.1 NAICS 230000 - Contractors, Construction, All Types** [Non-resident rates apply]

Having permanent place of business within the municipality	
Minimum on first \$2,000.....	\$75.00 PLUS
Each additional 1,000.....	\$2.40

A trailer at the construction site or structure in which the contractor temporarily resides is not a permanent place of business under this ordinance.

The total tax for the full amount of the contract shall be paid prior to commencement of work and shall entitle contractor to complete the job without regard to the normal license expiration date. An amended report shall be filed for each new job and the appropriate additional license fee per \$1,000 of the contract amount shall be paid prior to commencement of new work. Only one base tax shall be paid in a license year.

No contractor shall be issued a business license until all state and municipal qualification examination and trade license requirements have been met. Each contractor shall post a sign in plain view on each job identifying the contractor with the job.

Sub-contractors shall be licensed on the same basis as general or prime contractors for the same job. No deductions shall be made by a general or prime contractor for value of work performed by a sub-contractor.

No contractor shall be issued a business license until all performance and indemnity bonds required by the Building Code have been filed and approved. Zoning permits must be obtained when required by the Zoning Ordinance.

Each prime contractor shall file with the License Official a list of sub-contractors furnishing labor or materials for each project.

**8.2 NAICS 482 - Railroad Companies** – (See S.C. Code § 12-23-210)

**8.3 NAICS 517311, 517312 - Telephone Companies:**

A. Notwithstanding any other provisions of the Business License Ordinance, the business license tax for "retail telecommunications services", as defined in S. C. Code Section 58-9-2200, shall be at the maximum rate authorized by S. C. Code Section 58-9-2220, as it now provides or as provided by amendment. The business license tax year shall begin on January 1 of each year. Declining rates shall not apply.

B. In conformity with S.C. Code Section 58-9-2220, the business license tax for "retail telecommunications services" shall apply to the gross income derived from the sale of retail telecommunications services for the preceding calendar or fiscal year which either originate or terminate in the municipality and which are charged to a service address within the municipality regardless of where these amounts are billed or paid and on which a business license tax has not been paid to another municipality. The measurement of the amounts derived from the retail sale of mobile telecommunications services shall include only revenues from the fixed monthly recurring charge of

customers whose service address is within the boundaries of the municipality. For a business in operation for less than one year, the amount of business license tax shall be computed on a twelve-month projected income.

C. The business license tax for "retail telecommunications services" shall be due on January 1 of each year and payable by January 31 of that year, without penalty.

D. The delinquent penalty shall be five percent (5 %) of the tax due for each month, or portion thereof, after the due date until paid.

E. Exemptions in the business license ordinance for income from business in interstate commerce are hereby repealed. Properly apportioned gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

F. Nothing in this Ordinance shall be interpreted to interfere with continuing obligations of any franchise agreement or contractual agreement in the event that the franchise or contractual agreement should expire after December 31, 2003.

G. All fees collected under such a franchise or contractual agreement expiring after December 31, 2003, shall be in lieu of fees or taxes which might otherwise be authorized by this Ordinance.

H. As authorized by S. C. Code Section 5-7-300, the Agreement with the Municipal Association of South Carolina for collection of current and delinquent license taxes from telecommunications companies pursuant to S. C. Code Section 58-9-2200 shall continue in effect.

**8.41 NAICS 423930 - Junk or Scrap Dealers** [Non-resident rates apply]  
Minimum on first \$2,000 ..... \$65.00 PLUS  
Per \$1,000, or fraction, over \$2,000 ..... \$2.00

**8.42 NAICS 522298 - Pawn Brokers** - All Types  
Minimum on first \$2,000 ..... \$200.00 PLUS  
Per \$1,000, or fraction, over \$2,000 ..... \$2.95

**8.5 NAICS 4411, 4412 - Automotive, Motor Vehicles, Boats, Farm Machinery or Retail** (except auto supply stores - see 4413)  
Minimum on first \$2,000 ..... \$80.00 PLUS  
Per \$1,000, or fraction, over \$2,000 ..... \$2.00

One sales lot not more than 400 feet from the main showroom may be operated under this license provided that proceeds from sales at the lot are included in gross receipts at the main office when both are operated under the same name and ownership.

Gross receipts for this classification shall include value of trade-ins. Dealer transfers or internal repairs on resale items shall not be included in gross income.

**NAICS 454390 - Peddlers, Solicitors, Canvassers, Door-To-Door Sales**

direct retail sales of merchandise. [Non-resident rates apply]

**8.61** Regular activities [more than two sale periods of more than three days each per year]

Minimum on first \$2,000 ..... \$30.00 PLUS  
Per \$1,000, or fraction, over \$2,000 ..... \$2.15

**8.62** Seasonal activities [not more than two sale periods of not more than three days each year, separate license required for each sale period]

Minimum on first \$2,000 ..... \$15.00 PLUS  
Per \$1,000, or fraction, over \$2,000 ..... \$2.00

Applicant for a license to sell on private property must provide written authorization from the property owner to use the intended location.

**8.7 NAICS 5241 - Insurance Companies:**

Except as to fire insurance, “gross premiums” means gross premiums written for policies for property or a risk located within the municipality. In addition, “gross premiums” shall include premiums written for policies that are sold, solicited, negotiated, taken, transmitted, received, delivered, applied for, produced or serviced by (1) the insurance company’s office located in the municipality, (2) the insurance company’s employee conducting business within the municipality, or (3) the office of the insurance company’s licensed or appointed producer (agent) conducting business within the municipality, regardless of where the property or risk is located, provided no tax has been paid to another municipality in which the property or risk is located based on the same premium.

Solicitation for insurance, receiving or transmitting an application or policy, examination of a risk, collection or transmitting of a premium, adjusting a claim, delivering a benefit, or doing any act in connection with a policy or claim shall constitute conducting business within the municipality, regardless of whether or not an office is maintained in the municipality.

As to fire insurance, “gross premiums” means gross premiums (1) collected in the municipality, and/or (2) realized from risks located within the limits of the municipality.

Gross premiums shall include all business conducted in the prior calendar year.

Gross premiums shall include new and renewal business without deductions for any dividend, credit, return premiums or deposit.

Declining rates shall not apply.

**NAICS 52411 - Life, Health and Accident** ..... 0.75% of Gross Premiums

**NAICS 524126 - Fire and Casualty**..... 2% of Gross Premiums

**NAICS 524127 - Title Insurance** ..... 2% of Gross Premiums

Notwithstanding any other provisions of this ordinance, license taxes for insurance companies shall be payable on or before May 31 in each year without penalty. The



penalty for delinquent payments shall be 5% of the tax due per month, or portion thereof, after the due date until paid.

Any exemptions in the business license ordinance for income from business in interstate commerce are hereby repealed. Gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

Pursuant to S.C. Code Ann. §§ 38-45-10 and 38-45-60, the Municipal Association of South Carolina, by agreement with the municipality, is designated the municipal agent for purposes of administration of the municipal broker’s premium tax. The agreement with the Association for administration and collection of current and delinquent license taxes from insurance companies as authorized by S.C. Code § 5-7-300.

[The South Carolina General Assembly, in order to ensure consistency with the federal Non-admitted and Reinsurance Reform Act of 2010 (“NRRA”), ratified an act (Rat# 283) on June 28, 2012, amending S.C. Code §§ 38-7-16 and 38-45-10 through 38-45-195. The act establishes a blended broker’s premium tax rate of 6 percent comprised of a 4 percent state broker’s premium tax and a 2 percent municipal broker’s premium tax. The act states a municipality may not impose on brokers of non-admitted insurance in South Carolina an additional license fee or tax based upon a percentage of premiums.]

**NAICS 713120 - Amusement Machines, coin operated (except gambling) -**

Music machines, juke boxes, kiddie rides, video games, pin tables with levers, and other amusement machines with or without free play feature licensed by SC Department of Revenue pursuant to S.C. Code §12-21-2720(A)(1) and (A)(2) – **[Type I and Type II]**

**8.81** Operator of machine .....\$12.50/machine PLUS  
.....\$12.50 business license  
for operation of all machines (not on gross income).[§12-21-2746]

**8.82** Distributor selling or leasing machines  
(not licensed by the State as an operator pursuant to §12-21-2728) -  
[Nonresident rates apply.]  
Minimum on first \$2,000 ..... \$100.00 PLUS  
Per \$1,000 or fraction over \$2,000 ..... \$2.95

**NAICS 713290 - Amusement Machines, coin operated, non-payout**

Amusement machines of the non-payout type or in-line pin game licensed by SC Department of Revenue pursuant to S.C. Code §12-21-2720(A)(3) **[Type III]**

**8.83** Operator of machine ..... \$12.50/machine PLUS  
..... \$12.50 business license  
for operation of all machines (not on gross income). [§12-21-2720(B)]

**8.82 -** Distributor selling or leasing machines (not licensed by the State as an operator pursuant to §12-21-2728) - [Nonresident rates apply.] -  
Minimum on first \$2,000..... \$100.00 PLUS  
Per \$1,000, or fraction, over \$2,000 ..... \$2.95

**8.91** **NAICS 713290 - Bingo halls, parlors –**  
Minimum on first \$2,000 ..... \$200.00 PLUS  
Per \$1,000, or fraction, over \$2,000 ..... \$2.95

**8.92 NAICS 711190 - Carnivals and Circuses -**  
Minimum on first \$2,000 ..... \$300.00 PLUS  
Per \$1,000, or fraction, over \$2,000 ..... \$3.50

**8.93 NAICS 722410 - Drinking Places, bars, lounges, cabarets** (Alcoholic beverages consumed on premises)  
Minimum on first \$2,000 ..... \$200.00 PLUS  
Per \$1,000, or fraction, over \$2,000 ..... \$2.95

License must be issued in the name of the individual who has been issued a State alcohol, beer or wine permit or license and will have actual control and management of the business.

**8.10 NAICS 713990 - Billiard or Pool Rooms, all types** ..... \$12.50 per table PLUS  
Minimum on first \$2,000 .....\$200.00 PLUS  
Per \$1,000, or fraction, over 2000.....\$2.95

**NAICS 22112 - Electric Power Distribution**..... See Consent or Franchise

**NAICS 22121 - Natural Gas Distribution** ..... ..See Consent or Franchise

**NAICS 517110 - Television: Cable or Pay**  
Services using public streets.....See Franchise

## **Business License Class Schedule by NAICS Code**

### **Appendix B**

**This appendix will be updated annually based on the latest available IRS statistics. The updated Business License Class Schedule may be accessed at <http://www.masc.sc/SiteCollectionDocuments/Finance/BL-AppxB.pdf>**

**ORDINANCE NO.**

**AN ORDINANCE**

**AN ORDINANCE TO SELL REAL PROPERTY OF THE CITY OF GOOSE CREEK, A SOUTH CAROLINA MUNICIPAL CORPORATION, IN ACCORDANCE WITH SECTION 5-7-260 (6) OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED, PROPERTY IDENTIFIED AS, 0.179 ACRE, US HIGHWAY 176, A PORTION OF TMS 209-00-01-080**

**WHEREAS**, Berkeley County is in the process of widening and improving a portion of US Highway 176, at the entrance of Roper St. Francis Hospital; and

**WHEREAS**, Berkeley County has determined that additional right-of-way is needed for the necessary roadway improvements by widening and adding turn lanes to Roper St. Francis Hospital which necessitates the acquisition of property owned by the City of Goose Creek; and

**WHEREAS**, the City of Goose Creek fully supports the US Highway 176 Widening Phase I project.

**NOW, THEREFORE, BE IT ORDAINED** and ordered by the Mayor and City Council of the City of Goose Creek, South Carolina, in Council duly assembled, that the City of Goose Creek, South Carolina, hereby approves the sale of real property owned by the City of Goose Creek, South Carolina, to Berkeley County, for the US Highway 176 Widening Phase I project, to which:

7,782 square feet (0.179 acre) of land and all improvements thereon, if any, as identified on a map shown as (Exhibit A) as prepared by Mead & Hunt, dated March 20, 2019, for the South Carolina Department of Transportation, as a portion of TMS 209-00-01-080.

The City Administrator is directed to do all things necessary to facilitate the sale of said property to Berkeley County.

All ordinances in conflict with this ordinance are hereby repealed.

This ordinance shall be effective on the date of final reading.

INTRODUCED the \_\_\_\_\_ day of July 2020.

DONE the \_\_\_\_\_ day of August 2020.

\_\_\_\_\_  
Mayor Gregory S. Habib

Attest: \_\_\_\_\_  
Kelly J. Lovette, MMC, City Clerk

\_\_\_\_\_  
Mayor Pro Tem Kevin M. Condon

\_\_\_\_\_  
Councilmember Debra Green-Fletcher

\_\_\_\_\_  
Councilmember Corey McClary

\_\_\_\_\_  
Councilmember Jerry Tekac

\_\_\_\_\_  
Councilmember Gayla S.L. McSwain

\_\_\_\_\_  
Councilmember Christopher Harmon



THE STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

Road/Route **US 176 Widening Phase 1**  
 Project ID No. **P029498**  
 Tract **192A**

**TITLE TO REAL ESTATE**

Approximate Survey Stations

1094+00	To	1106+00 LT
		Relo US 176
	To	
	To	

KNOW ALL MEN BY THESE PRESENTS, That City of Goose Creek ("Grantor"), PO Box 1768, Goose Creek, SC 29445, in consideration of the sum of **One and No/100 Dollars (\$1.00)** and other valuable consideration to it in hand paid at and before the sealing and delivering thereof, by the Berkeley County, Moncks Corner, South Carolina, receipt of which is hereby acknowledged, have granted, bargained, sold and released, and by these presents does grant, bargain, sell and release, unto the said Berkeley County, its successors and assigns, all that certain real property of the Grantor in fee simple absolute **for improvements on US 176 Widening Phase 1**, State and County aforesaid, as shown on plans prepared by the Mead & Hunt and dated **03/20/2019**.

**SPECIAL PROVISIONS:**

The above consideration is for all that certain parcel of land containing 0.179 of an acre (7,782 square feet), more or less all improvements thereon, if any, owned by City of Goose Creek, shown as the "Area of Acquisition" on Exhibit A, attached hereto and made a part hereof. Property herein conveyed is along a relocated centerline as shown on plans between approximate survey stations 1065+80 and 1067+80. This being a portion of the property conveyed to City of Goose Creek, by deed from Roper St. Francis Hospital – Berkeley, Inc., dated 10/14/2019, and recorded 11/21/2019, in Deed Book 3197, Page 734, in the records of the ROD Office for Berkeley County and shown as Tax Map No. 209-00-01-080.

This within described real property is conveyed subject to all matters of record and any and all matters that would be disclosed on a current survey or physical inspection thereof.

Together with, all and singular, the rights, members, hereditaments and appurtenances thereunto belonging, or in any wise incident or appertaining.

And Grantor does hereby bind itself, its successor and assigns, to warrant and forever defend all and singular said premises unto said Berkeley County, its successors and assigns, against itself and against the lawful claims of all persons claiming by, under or through Grantor and no others.

GRANTEE'S ADDRESS: Berkeley County, PO Box 6122, Moncks Corner, SC 29461

Date Checked \_\_\_\_\_ By \_\_\_\_\_  
 Project ID No. P029498 Tract 192A



THE STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF BERKELEY )

**WAIVER OF RIGHTS**

Road/Route US 176  
Project ID No. P029498  
Tract 192A

I have been fully informed of my right to receive just compensation for the above referenced property pursuant to the U. S. and S. C. Constitutions and the S. C. Code of Laws Section 28-2-370, as amended. However, I hereby willingly and voluntarily agree to waive my right to receive just compensation for the property and choose to donate the property necessary for a fee simple title to right of way for the referenced project. I also hereby release Berkeley County from the obligation of performing or delivering an appraisal of said property.

Witness our hand and seal this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_\_.

In the presence of:

**City of Goose Creek**

\_\_\_\_\_  
1<sup>st</sup> Witness

\_\_\_\_\_  
(L.S.)

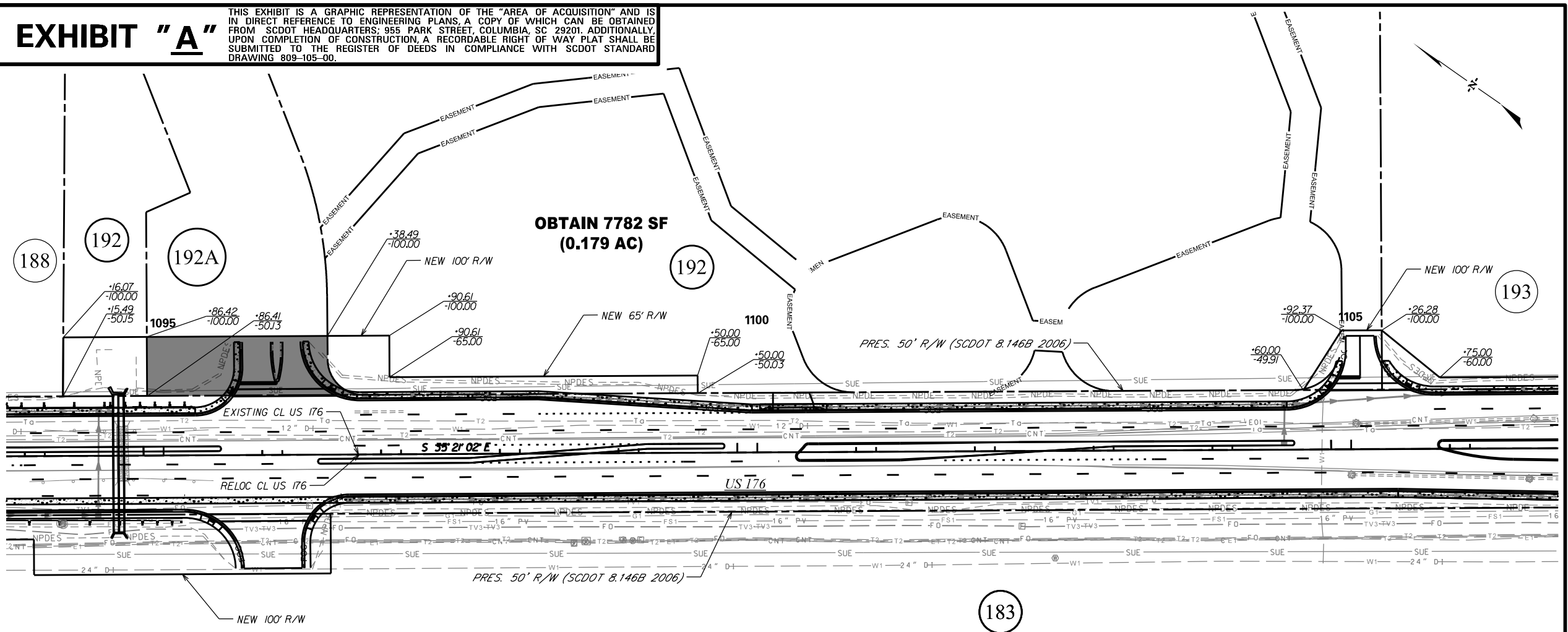
By Its: \_\_\_\_\_

\_\_\_\_\_  
2<sup>nd</sup> Witness

\_\_\_\_\_  
Print or Type Name Here

# EXHIBIT "A"

THIS EXHIBIT IS A GRAPHIC REPRESENTATION OF THE "AREA OF ACQUISITION" AND IS IN DIRECT REFERENCE TO ENGINEERING PLANS, A COPY OF WHICH CAN BE OBTAINED FROM SCDOT HEADQUARTERS; 955 PARK STREET, COLUMBIA, SC 29201. ADDITIONALLY, UPON COMPLETION OF CONSTRUCTION, A RECORDABLE RIGHT OF WAY PLAT SHALL BE SUBMITTED TO THE REGISTER OF DEEDS IN COMPLIANCE WITH SCDOT STANDARD DRAWING 809-105-00.



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 <b>SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION</b> <b>AREA OF ACQUISITION FROM TRACT 192A FILE PO29498</b>		
PREPARED 6/4/2020 REVISED NA	SCALE  FEET	COUNTY BERKELEY



# ***CITY ADMINISTRATOR'S REPORT***



# Request to Purchase

**Requesting Department:** 100-611 Legislative  
**Item(s)/Service Requested:** Comprehensive Plan Consulting  
**Cost of Recommended Bid:** \$ 120,000.00  
**Recommended Vendor:** TSW

**Budgeted Item(s):** Yes

**Account Number:** \_\_\_\_\_  
**Budgeted Amount:** \$ 150,000.00

No

**Funding Source:** General Fund  
**Account Number:** \_\_\_\_\_  
**Available Budget:** \$ 100,000.00

**Method Used to Solicit Bids:** Request for Proposals (RFP)

**Was this a formal (sealed) bid process?** Yes  No  **Number of Bids:** 2

### Listing of Bids

Vendor Name	Base Bid	Bid Alternative	Total Bid
TSW	\$ 120,000.00	\$ 0.00	\$ 120,000.00
Houseal-Lavigne	\$ 119,800.00	\$ 152,100.00	\$ 271,900.00
			\$ 0.00

### Summarize Scope of Work:

Prepare Comprehensive Plan for the City.

### Recommendation / Suggested Action: (if lowest bid is not selected, please indicate why)

The selected firm's scope of work contains many of the "bid alternative" extra costs in the body of their base price. The selected firm is from Atlanta. The other firm is from Chicago. Both firms scheduled completion for June 2021.

### Attachments: (please list)

1. TSW proposal
2. Houseal Lavigne proposal

Department Head: **Mark Brodeur**  
Digitally signed by Mark Brodeur  
 DN: cn=Mark Brodeur, o=City of Goose Creek, ou=City Hall  
 - Administration, ou=Planning, cn=Mark Brodeur  
 Date: 2020.06.15 09:45:00 -0400  
 Signature  
 7/14/2020  
 Date

City Administrator: **Natalie Mize**  
 Signature  
 7/14/2020  
 Date

**CITY OF GOOSE CREEK  
PLANNING AND ZONING DEPARTMENT**

**519 N. Goose Creek Boulevard**

**Goose Creek, South Carolina**

**Phone: (843)797-6220**

**Ext. 1118**

**[www.cityofgoosecreek.com](http://www.cityofgoosecreek.com)**



**REQUEST FOR PROPOSALS  
COMPREHENSIVE PLAN**

**PROPOSALS MUST BE SUBMITTED BY**

**5:00 P.M. ON JUNE 12, 2020**



## INTRODUCTION

The City of Goose Creek, South Carolina is seeking the services of a qualified Planning Consultant to work with and assist city staff, stakeholders, elected officials and the community in the development of a new 2030 Comprehensive Plan (2030 Plan). The City is seeking qualified Consultants/Firms with considerable experience in community design, land use planning, transportation planning, economic analysis and community engagement to evaluate our existing 2015 Comprehensive Plan Update with the objective of completing a new 2030 Plan that provides a clear vision for future growth and development.

The 2030 Plan will be the foundation for determining effective public policy, master planning, land use decisions and provide an ongoing framework for informed and directed development decisions. The Plan shall include goals, objectives, strategies, graphs and other tools to analyze, assess and recommend best practices for value-based planning decisions that address the economic development, transportation, housing, infrastructure and other improvement needs of Goose Creek. The ultimate responsibility of the 2030 Plan will be to provide a policy guiding document that will reflect and respond to the priorities, values and requirements of residents and stakeholders while safeguarding the history, sense of place and desires that Goose Creek residents, businesses and visitors experience throughout the community.

The City of Goose Creek has engaged the local Council of Governments (Berkeley Charleston Dorchester Council of Governments (BCDCOG)) in assisting with the development of the background and analysis of existing conditions. Their job has been creating an assessment of baseline conditions as well as initial educational outreach to stakeholders. The selected Consultant is expected to utilize the Background Report generated by the BCDCOG in its development of the Comp Plan. Elements of the Scope of Work that are being handled by the BCDCOG are in *red italic text* for clarity of who does what.

A Consultant will be selected for this project based upon criteria stated in the "Evaluation Process". All digital/email proposals received by 5:00 p.m. Eastern Standard Time (EST) on Monday, June 12, 2020 will receive full consideration. Any inquiries with respect to the expectations and/or scope of work sought through this proposal should be made to the attention of - Mark Brodeur, Planning and Zoning Director-via email at [mbrodeur@cityofgoosecreek.com](mailto:mbrodeur@cityofgoosecreek.com).

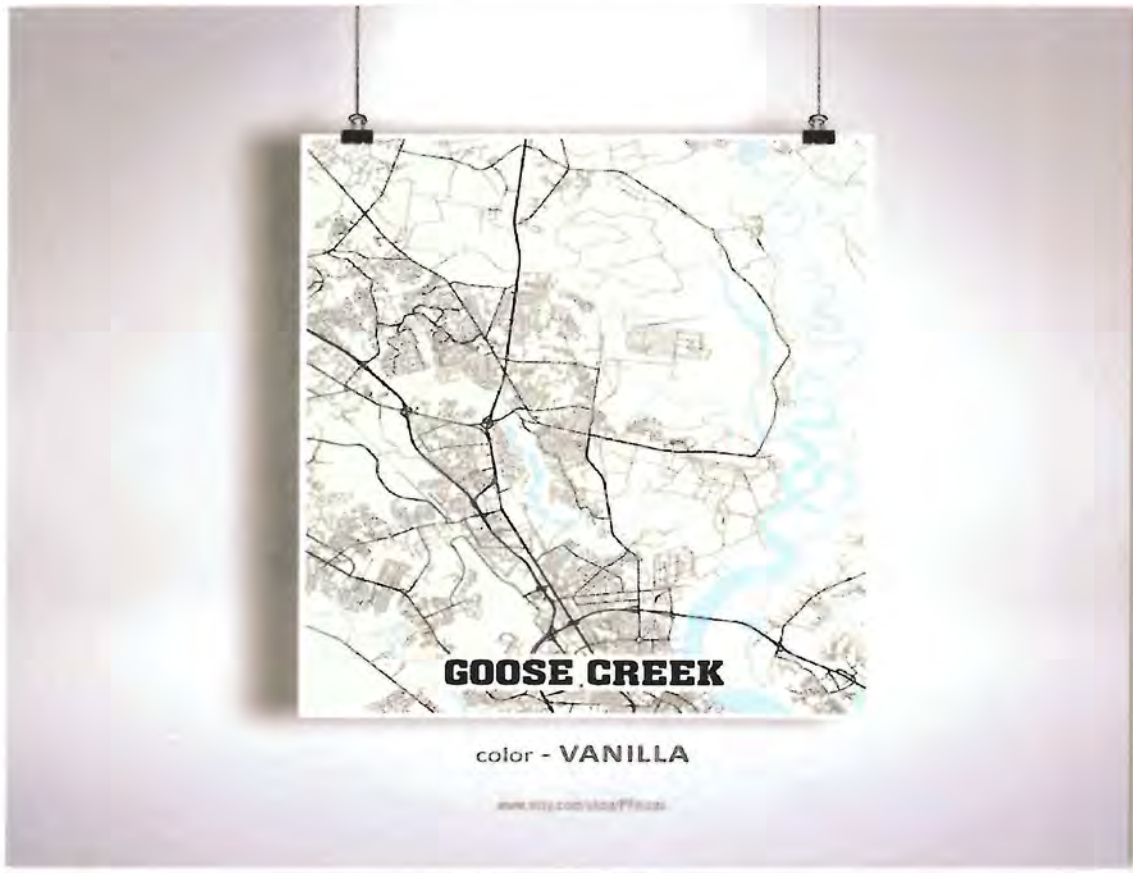


## ABOUT GOOSE CREEK

Goose Creek is a burgeoning suburb of Charleston, South Carolina. The City is in Berkeley County. It ranks eighth (8th) with respect to total population in the State with 42,841 residents. According to the [United States Census Bureau](#), the city has a total area of 40.8 square miles of which 40.1 square miles is land and 0.77 square miles or 1.88%, is water.

The form of government established by Charter is Mayor-Council. The City Council is the legislative and governing body of the City. It consists of six Council members and the Mayor, all of whom are elected by the residents of the City. The Mayor is elected at large and serves a four-year term. The City Council and Mayor appoint the City Administrator and City Clerk, and enact legislation to protect the health, safety, and general welfare of the citizens of the City. The City Administrator directly supervises all City government agencies and departments while also serving as chief advisor to the City Council.

The City provides a full range of municipal services for its citizens. These include public safety (police and fire/ems), public works, code enforcement, golf, recreation, community development, municipal court and general administrative services (Clerk, Human Resources, Finance).



## EXEPECTATIONS OF CONSULTANT and BCDCOG

Throughout the process the selected Consultant will be expected to utilize their experience and drive the process. To achieve this goal, and utilize the experience of the selected Consultant, the City will require the following expectations be met and identified within the consultant's proposal response;

1. Initial meeting with City staff, Consultant and the BCDCOG to review a proposed project timeline, schedule meetings and begin the process of data transfer between the City/BCDCOG/consultant. Lead Consultant to coordinate this task.
2. *The BCDCOG will gather all existing plans, maps, documents, data and other materials relevant to the project. The City and Berkeley County will provide all available existing documentation to the BCDCOG. The analysis will include the following:*

### **Demographics**

*The BCDCOG will document existing socio-economic, and land use data trends using 2010 census data, the most recent American Community Survey data available, and information provided by the City/County. Socio-economic data will be provided for Goose Creek. The information will be communicated in a series of Geographic Information System (GIS) maps.*

### **Previous Studies and Plans**

*The BCDCOG will conduct a review of, and integrate as appropriate, all relevant previous studies and plans provided by the City and Berkeley County and identify key findings. Information regarding community facilities and services, County and related public service/utility conditions and plans for expansion will be provided for review by the City of Goose Creek. A matrix of current policies from applicable plans and the status of implementation will be included in the identification of key findings.*

### **Land Use, Transportation, and Community Facilities.**

*The project team will develop a baseline inventory of land uses using the County assessor's database for validation by Goose Creek. In conjunction with evaluating the build out potential of existing and planned growth centers using **current zoning** and committed developments, the BCDCOG team will envision how land is projected to be organized and used in the future to determine the demand for supportive infrastructure and services. This information will be used to establish the Growth Trends baseline scenario to inform Goose Cree's selected consultant's scenario planning process at the public meetings. Special emphasis will be placed on transportation service, conditions and opportunities which can be evaluated using the regional CommunityViz program and CHATS Travel Demand Model.*



### Responsibilities / Deliverables of BCDCOG

- Existing Conditions report for nine element areas: Population, Housing, Economic, Community Facilities, Transportation, Land Use, Cultural and Natural Resources and Priority Investment.
  - Report of key findings in previous plans/studies with matrix of policy implementation status
  - Land Use and community facilities/infrastructure inventory to inform the scenario planning process
  - Draft and FINAL COMP PLAN BACKGROUND REPORT
3. The BCDCOG will develop the initial public education process. This early outreach is primarily intended to educate the residents and stakeholders about the process and how they can stay informed. At a series of two identical workshops held on different dates, the BCDCOG will use a Town Hall format to introduce the project, highlight basic data for existing conditions and future opportunities and share insights that the BCDCOG might have into Goose Creek. The BCDCOG will utilize a preference survey format on broad categories of land use intensity permitting participants to report back their preferences on community buildout. Other educational outreach activities to be completed by the BCDCOG will include:
- Establishment of a Project Website
  - Public Surveying through City's Website (Survey Monkey or another platform)
  - Public presentation of Background Report/Existing Conditions during the two workshops
  - Draft and FINAL COMP PLAN BACKGROUND REPORT
4. The Consultant shall describe their approach for providing effective stakeholder engagement and public participation once the Background Report has been ratified. The outreach should include but not be limited to formal public hearings, open house meetings, informal meetings with the Planning Commission, City Council, Berkeley County Planning, Berkeley-Charleston-Dorchester Council of Governments and other regional partners such as SCDOT and others. Be creative.
5. The Consultant shall conduct individual one-on-one interviews (14) with key elected and appointed officials of the City Council and Planning Commission following the presentation of the Background Report by the BCDCOG at their two educational workshops.
6. The lead Consultant shall plan and implement an extensive stakeholder and public outreach process utilizing the project website (established by BCDCOG) hosted on the City's website. Please address the total number of public hearings and meetings with City staff that the Consultant plans to attend. Our general estimate is three resident workshops, four public hearings before the Planning Commission; two public hearings before the City Council; 8 meetings with City Staff.

7. The lead consultant shall develop comprehensive plan goals, objectives and implementation strategies based on technical data and public input. Development of alternative land use arrangements and transportation components to serve the intended buildout.
8. The lead Consultant shall draft materials for review and comment by the City in accordance with a schedule developed at the beginning of the planning process.
9. Confirm the final comprehensive plan conforms to mandated elements found in State of South Carolina's **(2018 COMPREHENSIVE PLANNING GUIDE FOR LOCAL GOVERNMENTS)**. These include but are not limited to - Population Element, Economic Development Element, Natural Resources Element, Cultural Resources Element, Community Facilities Element, Housing Element, Land Use Element, Transportation Element, Priority Investment Element.
10. Many of the existing mandated Comp Plan elements have not substantially changed since the 2015 Update of the Comprehensive Plan. The selected Consultant should identify elements in the proposal that should not need a substantial re-write. The City expects the Land Use and Transportation elements to require the most comprehensive rewrite by the Consultant.
11. The lead Consultant shall prepare a draft document for public review and comment, and present to the City Council and Comp Plan Advisory Committee. **The Planning Commission will serve in this capacity.** The plan should be presented in a format and language that is user-friendly and easily understood by the general public. The document shall include numerous graphics and images that engage the reader.
11. The lead Consultant shall prepare a final draft document and present at a public hearing and all associated meetings for adoption of the plan.
12. The lead Consultant shall prepare the required documents for submission of the plan to the Planning Commission and City Council and address any comments necessary to receive approval. The Consultant should assume that modifications to the Comp Plan will be ongoing until adoption by the City Council.
13. Once the plan is approved by the City Council, the Consultant will print 50 full color, bound copies.
14. The lead Consultant shall provide at least bi-weekly updates, primarily via e-mail, though occasionally in-person or via telephone, to update City staff on project status, discuss issues and review drafts. Seven periodic written status reports will also be required to the City Council.
15. All working and final documents must be delivered to the City in both hard copy and electronic/digital formats that allow easy reproduction, direct web readiness and the



ability for staff to edit. The City Public Information Officer will work with the Consultant to post information to the Project Website.



SPECIAL NOTE ABOUT THE CURRENT CORONA VIRUS PANDEMIC

(this is subject to change) Currently, the City is working on the Comp Plan with the COG. We THINK things will be back to normal by July but nobody can agree on that. If interviews are held, we will try to make the meetings virtual as needed. Please just be prepared to be fluid and able to adjust as we get through this together.

## SCOPE OF WORK

The Consultant is expected to conduct the following minimum tasks. The City encourages proposers to expand on these tasks, emphasize tasks and to suggest additional tasks not identified in this RFP that may be necessary or beneficial.

- **Project Meetings.** The Consultant is expected to meet regularly with staff;
- **Meetings with the Planning Commission.** The Consultant will meet with the Planning Commission to provide updates and collect input. In addition, the Consultant will solicit input and feedback from the City Council providing interim reports, presentations and updates as required and appropriate; attend the Plan's formal adoption by the Planning Commission and City Council;
- **Public Engagement and Communications.** Public Participation is essential to this planning effort and must include an outreach and public participation process designed to engage the public and specific stakeholders in visioning the future of the City. Significant public input will be required beyond the BCDCOG's initial educational Workshops. We anticipate that several public meetings with the Planning Commission will be held in order to seek the opinions and views of the public at large, report on progress as the plan develops, solicit comments on specific ideas or concepts, and identify problems or barriers that must be acknowledged and overcome. Public involvement in the planning process and acceptance of the final plan is critical to the success of this effort, and respondents should explain their approach and public participation plan in detail in their responses;
- **2030 Plan Development.** The Consultant will serve as the primary author of the plan and shall update research and develop materials for the 2030 Plan, including but not limited to:
  - A synopsis of the BCDCOG's baseline review of existing plans and relevant information as an introductory chapter in the Comp Plan.
  - Develop an inventory and assessment of issues and opportunities based on the public participation process.
  - Development of at least three land use growth scenarios that can be accommodated by the proposed transportation plan. These should suggest (1.) Current Land Use distribution with a minimal amount of annexation; (2.) A medium amount of annexation incorporating higher density housing; (3.) Slow growth alternative tied to expansion of roadway infrastructure.
  - Develop a vision for Goose Creek that will serve as a focal point for goals, policy and strategy decisions.

- Draft a new Comprehensive Plan for Planning Commission and City Council adoption.
  
- Areas that will need **specific attention** are: (1.) The City is currently experiencing rapid growth. Much of the growth is residential planned communities. The volume of these planned communities is creating **traffic consequences**. Berkeley County and SCDOT are primarily responsible for traffic and transportation throughout the City. The City wants to be able to improve connectivity on an east-west as well as a north-south basis. How do we assure a working transportation network? A key provision of this Comprehensive Plan should be to balance land use with transportation and vice versa. (2.) Another issue is the haphazard condition of current **city boundaries** and how annexation should play out over the next ten years. What should we do about all the unincorporated islands throughout the City? Where should the City's boundaries end? How do we effectuate a clear City boundary and end the gerrymandering of our borders?
  
- Provide digital, editable, working and printable copies of all final documents including reports, maps, and final plan.



- **2030 Comp Plan Content:** The Comprehensive Plan document would include assembling and *analyzing data regarding all the existing conditions within Goose Creek (provided by BCDCOG)* and utilizing that data to develop goals, policies, actions and an implementation plan to guide future development and decision making over a 10-year timeframe. It is anticipated the new 2030 Plan would cover the following content:
  - **Vision and Goals**
  - **Population Element** - This element of the Comprehensive Plan dimensions the size and social characteristics of the City's population, past, present and future. Income distribution and education attainment levels also are studied to understand the needs and potentialities of the population.
  - **Economic Development Element** - The economic development element provides a comprehensive overview of the economy, sets policy direction for economic growth, and identifies strategies, programs, and projects to improve the local economy.
  - **Natural Resources Element** – The City does not anticipate that this element will need considerable updating. This element could include information on prime agricultural and forest land, plant and animal habitats, unique park and recreation areas, unique scenic views and sites, wetlands and soil types.
  - **Cultural Resources Element** - The City does not anticipate that this element will need considerable updating. This element could include historic buildings and structures, unique commercial or residential areas, unique natural or scenic resources, archeological sites, educational, religious or entertainment areas or institutions, and any other feature or facility relating to the cultural aspects of Goose Creek.
  - **Community Facilities Element** - The broad heading of community facilities includes the buildings, amenities, lands and services needed to serve the public health, safety and welfare which comprise things such as adequate fire and police protection, access to health and emergency medical care, emergency preparedness, places for recreation and quality schools. How these community facilities are planned, constructed, operated and maintained greatly impacts the quality of life for the residents of that community.
  - **Land Use Element** - Existing land use, future land use plan, with an appropriate balance of commercial and residential uses. This plan should include policies and actionable steps for implementation to guide future development and land use decisions, including proposals and policy for land use.
  - **Housing Element** - Considers location, types, age, and condition of housing, owner and renter occupancy, and affordability of housing. This element includes an analysis to ascertain nonessential housing regulatory requirements that add to the cost of developing affordable housing but are not necessary to protect the public health, safety, or welfare and an analysis of market-based incentives that may be made available to encourage development of affordable housing, which incentives may include density bonuses, design flexibility, and streamlined permitting processes;

- **Transportation Element** – Considers transportation facilities, including major road improvements, new road construction, transit projects, pedestrian and bicycle projects, and other elements of a transportation network. This element must be developed in coordination with the land use element, to ensure transportation efficiency for existing and planned development and working closely with our regional partners to assure compatibility and synchronization.
- **Priority Investment Element** - Analyzes the likely federal, state, and local funds available for public infrastructure and facilities during the next ten years, and recommends the projects for expenditure of those funds during the next ten years for needed public infrastructure and facilities such as water, sewer, roads, and schools. The recommendation of those projects for public expenditure must be done through coordination with adjacent and relevant jurisdictions and agencies.
- **Implementation Element** (who, what, where, when & how?) - This element addresses how the policies and actions in all elements of the Comprehensive Plan should be carried out.

## **SUBMISSION REQUIREMENTS**

The following materials must be received by 5:00 p.m. EST on Monday June 12, 2020 for a proposal to be considered. However, during the "Evaluation Process", the City reserves the right to request additional information or to seek clarification from the Consultant, or to allow for correction of errors and/or emissions. The submittal requirements are as follows:

### **1. Project Overview**

General Information: Provides a brief overview of firm/team, including qualifications to execute the contract, company mission or statement of beliefs.

- A. Project Understanding: – A two-page narrative summary of the Consultants understanding of the project as described in the RFP.

### **2. Qualifications – Personnel & Firm(s)**

- A. Identification of lead project manager and their direct experience working on Comp Plans. The City of Goose Creek will not select a firm if the Project Manager has never worked on a Comprehensive Plan.
- B. Name, proposed role, hourly rate, anticipated time commitment to the project and biography of each team member.
- C. The experience of the firm or firms preparing Comprehensive Plans.

### **3. Proposal**

- A. Proposed Work Plan and Schedule: Provide a proposed work plan with schedule, divided into phases identifying key tasks/subtasks, approximate time frames, project deliverables and background resources needed.
- B. Community Engagement Plan: Provide an overview of your approach to community engagement including anticipated activities, approach to collaboration with the BCDCOG and city staff and the efforts to engage residents in the various elements.



#### **4. Budget**

Identify cost estimates for each task segment of the proposal, associated with the “scope of work” identified within this RFP. All costs, including all reimbursables, should be included in the stated fixed fee. The budget should be submitted in a chart format showing each task and its associated cost with a grand total summarized at the bottom.

*The City has established a budget for this effort. Proposals should be mindful of costs and should not include extravagant work programs. Be advised that the City is not required to accept the lowest bid price. If the Consultant team desires, optional tasks outside of the base budget may be proposed with their own fee. The City will consider optional tasks that propose work outside of the base scope of work requested. The optional task(s) should be something special and not anticipated by the City.*

#### **5. Proposal Submittal**

One electronic copy of the proposal, in Adobe PDF Format, shall be submitted via email to: [mbrodeur@cityofgoosecreek.com](mailto:mbrodeur@cityofgoosecreek.com) or delivered to:

**City of Goose Creek**

Attn: Mark Brodeur, Director,  
Planning & Zoning Department  
519 N. Goose Creek Boulevard  
Goose Creek, South Carolina 29445

*City further reserves the right to request additional information from any Consultant Team. The selected Consultant will be required to obtain a City of Goose Creek Business License.*



## EVALUATION PROCESS

Consultant selection will be based upon a qualitative evaluation of the proposals submitted. During the review process, staff and a selection committee from the City of Goose Creek may request additional clarifying information from any Consultant that submits a proposal. Staff and the selection committee will evaluate the responses to this RFP, **may** interview the top-rated Consultants, and will make a recommendation to the Mayor and City Council as to the selection of the Consultant determined to be the most qualified for the project. It is anticipated that the City of Goose Creek and the selected Consultant will enter into a professional services contract for the period beginning July 2020 through **project completion of one year**.

A series of selection criteria will be utilized (not necessarily in priority order) during the evaluation of proposals and throughout the selection process:

- **Demonstrated level of qualifications**, experience, and professionalism for the respondent firm (or team), its principals, project management team, project manager, key staff, and sub-consultants (if applicable) assigned to the project;
- **Demonstrated level of professional and technical expertise** and proven record in the preparation of Comprehensive and Strategic Plans / planning experience by the respondent Consultant (or team);
- **Demonstrated level of multi-disciplinary experience** on the project team, with respect to the range of experience and services;
- **Demonstrated experience in community engagement**, public participation, and outreach as part of similar efforts;
- **Demonstrated experience working with public agencies**, city departments, and other regional entities as part of similar efforts;
- **Demonstrated adherence to, and ability to stay on task**, schedule, and budget as part of similar efforts;
- **Demonstrated capacity and capability** of the firm to perform the work within the **specified one-year timeline**;
- **Overall value of the proposal** and proposed services relative to the level of creativity and innovation in the proposed approach to the project; and
- **Other issues** which may arise during the selection process.

## **GENERAL TERMS AND CONDITIONS**

### **1. Applicable Laws and Courts**

This RFP and any resulting contract shall be governed in all respects by the laws of the State of South Carolina, and the Consultant shall comply with all applicable federal, state, and local laws, rules, and regulations.

### **2. Assignment of Contract**

A contract shall not be assignable by the Consultant in whole or in part without the written consent of the City of Goose Creek.

### **3. Changes to the Contract**

Changes can only be made to the contract in one of the following ways:

- A. The parties may agree in writing to modify the scope of the contract. An increase or decrease in the price of the contract resulting from such modification shall be agreed to by the parties as a part of their written agreement to modify the scope of the contract.
- B. The City of Goose Creek may order changes within the general scope of the contract at any time by written notice to the Consultant. The Consultant shall comply with the notice upon receipt and shall be compensated for any additional costs incurred because of such order or shall give the City of Goose Creek a credit for any savings.

### **4. Default**

In case of the Consultant's/Firm's failure to deliver goods or services in accordance with the contract terms and conditions, the City of Goose Creek, after the submission of sufficient written notice to the Consultant, may procure the services from other sources and hold the Consultant responsible for any resulting additional purchase and administrative costs, which shall be in addition to any other remedies available to the City, including termination of the contract.

### **5. Work Products**

All papers, reports, forms, materials, creations or inventions created or developed in the performance of this contract shall become the sole property of the City of Goose Creek. On request, the Consultant shall promptly provide an acknowledgment or assignment in a written form satisfactory to the City to document the City's sole ownership of any specifically identified intellectual property created or developed in the performance of the contract.

### **6. No Corrections**

Once a competitive proposal is submitted, the City may not accept any request by any proposer to correct errors or omissions in any calculations or competitive price submitted.

### **7. Openness of Procurement Process**

Written competitive proposals, other submissions, correspondence, and all records made thereof, as well as negotiations conducted pursuant to this RFP, shall be handled in

compliance with State Law. Proposals may not be subject to disclosure during the evaluation and negotiations process but will be subject to public requests for review at the conclusion of the contracting process. The City of Goose Creek gives no assurance as to the confidentiality of any portion of any proposal once submitted.

#### **8. No Collusion**

By proposing a submission to the RFP, the proposer certifies the proposer has not divulged to, discussed or compared his/her competitive proposal with other proposers and has not colluded with any other proposers or parties to this competitive RFP whatsoever.

#### **9. Rejection of Bids or Informality Waiver**

The City of Goose Creek reserves the right to reject any or all responses or to waive any irregularity, variance, or informality whether technical or substantial in nature, in keeping with the best interests of the City.

#### **10. Litigation and Debarment**

Consultants/Firms must disclose any prior, current, or proposed business-related debarment, suspension, ineligibility, voluntary exclusion from contracts, suspension, litigation, bankruptcy, or loan defaults within the past five (5) years; as well as if the Consultant or any of its principals are the subject of any pending investigations or hearings by any Federal, State, or local regulatory agency. If none, **a statement to that effect must be included in your proposal.**

#### **11. Merger and Severability**

This RFP contains the entire agreement between the parties relating to the subject matter hereof. The invalidity or unenforceability of any provision hereof, or of the application of any provision hereof to any circumstances, shall in no way affect the validity or enforceability of any other provision, or the application of such provision to any other circumstances. This Agreement (and each amendment, modification and waiver in respect of this Agreement) may be executed and delivered in counterparts (including by facsimile transmission or e-mail), each of which will be deemed an original, and all of which together constitute one and the same instrument. Delivery of an executed counterpart signature page of this RFP by e-mail (PDF) or facsimile transmission shall be effective as delivery of a manually executed counterpart of this RFP



## **INSURANCE**

### **1. Liability Insurance**

The Consultant shall furnish, pay for, and maintain during the life of the contract with City of Goose Creek the following liability coverage:

- A. Comprehensive General Liability Insurance on an "occurrence" basis in an amount not less than \$1,000,000 combined single-limit Bodily Injury Liability and Property Damage Liability;
- B. Business Automobile Liability insurance in the amount of at least \$1,000,000, providing Bodily Injury Liability and Property Damage Liability;
  1. Workers' Compensation Insurance applicable to its employees for statutory coverage limits, and Employers' Liability with a \$100,000,000 limit, which meets all applicable state and federal laws; and
  2. Professional Liability/Malpractice/Errors or Omissions insurance, as appropriate for the type of business engaged in by the Consultant, shall be purchased and maintained by the Consultant with minimum limits of \$1,000,000 per occurrence.

### **2. Additional Insured**

The City of Goose Creek is to be specifically included as an **additional insured** on the Comprehensive General Liability and Business Automobile Liability policies referenced above.

### **3. Notice of Cancellation or Restriction**

All policies of insurance must be endorsed to provide the City of Goose Creek with thirty (30) days' notice of cancellation or restriction.

### **4. Certificates of Insurance/Certified Copies of Policies**

The selected Consultant shall provide the City of Goose Creek with a certificate or certificates of insurance showing current coverage as required by this RFP. The Consultant will maintain this coverage with a current certificate or certificates of insurance throughout the term stated in the proposal. New certificates and new certified copies of policies (if certified copies of policies are requested) shall be provided to the City of Goose Creek whenever any policy is renewed, revised, or obtained from other insurers. The certificates and/or certified policies shall be sent or delivered to the City's Finance Director and addressed to: City of Goose Creek, PO Drawer 1768, Goose Creek, SC 29445. You may also scan them and send digital copies to the Director.

### **5. Hold Harmless Provisions**

The Consultant shall defend, indemnify, save and hold the City of Goose Creek harmless from any and all claims, suits, judgments and liability arising directly or indirectly from the negligent performance of the contract by the Consultant, its employees, subcontractors, or assigns,