



**AGENDA
CITY OF GOOSE CREEK, SOUTH CAROLINA
REGULAR CITY COUNCIL MEETING
TUESDAY, JULY 13, 2021 – 5:59 PM
CITY COUNCIL CHAMBERS**

PURSUANT TO FREEDOM OF INFORMATION ACT SC CODE 30-4-80; WRITTEN NOTICE WAS DELIVERED TO THE PRESS BY EMAIL ON FRIDAY, JULY 9, 2021 AND DULY POSTED AT CITY HALL LOCATED AT 519 N GOOSE CREEK BOULEVARD AND ON CITYOFGOOSECREEK.COM. CITY HALL IS AN ACCESSIBLE FACILITY, FOR ASSISTANCE CALL 843-797-6220 X. 1113.

I. INVOCATION / PLEDGE OF ALLEGIANCE

II. GENERAL PUBLIC COMMENTS - PLEASE PROCEED TO THE PODIUM - 2 MINUTE TIME LIMIT

If you do not plan to attend the City Council Meeting due to COVID-19, you may submit your comments to the City Clerk at cityclerk@cityofgoosecreek.com, via hand delivery or by US Mail to Kelly Lovette, City Clerk, City of Goose Creek, P.O. Drawer 1768, Goose Creek, SC 29445. Please send your comments to the City Clerk no later than 12:00 noon on the date of this meeting; your remarks will be distributed to the Mayor and City Council but will not be read aloud during the meeting.

III. APPROVAL OF MINUTES

- a. City Council Meeting - June 8, 2021
City Council Workshop - June 22, 2021

IV. PRESENTATIONS & PROCLAMATIONS

- a. Presentation to City Council - One Region Roadmap (Brent Jonas, Director Stakeholder Relations, Charleston Regional Development Alliance)

V. OLD BUSINESS & PUBLIC HEARINGS

- a. AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF GOOSE CREEK, SOUTH CAROLINA, BY CHANGING THE ZONING CLASSIFICATION OF THE PROPERTY LOCATED AT 128 HOWE HALL ROAD (TMS # 252-01-03-007) FROM CONSERVATION/OPEN SPACE DISTRICT (CO) TO GENERAL COMMERCIAL DISTRICT (GC) - (Second and Final Reading of a Public Hearing)
- b. AN ORDINANCE TO AMEND THE "CODE OF ORDINANCES OF THE CITY OF GOOSE CREEK, SOUTH CAROLINA", BY AMENDING TITLE XV - LAND USAGE, SUBCHAPTER "ZONING BOARD OF APPEALS SECTION 151.173(B)(1) - MEETINGS", AND SUBCHAPTER "ARCHITECTURAL REVIEW BOARD SECTION 151.190(F)(6) - MEETINGS" BY REMOVING ANY REFERENCES TO THE START TIME FOR THEIR RESPECTIVE MEETINGS - (Second and Final Reading of a Public Hearing)

- c. AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF GOOSE CREEK, SOUTH CAROLINA, TO PROVIDE FOR CHANGES TO THE ZONING ORDINANCE BY REPEALING IN ITS ENTIRETY THE CURRENT CHAPTER 152. SMALL WIRELESS FACILITIES AND REPLACING IT WITH A NEW CHAPTER 152. STANDARDS FOR PLACEMENT OF SMALL WIRELESS FACILITIES - (Second and Final Reading of a Public Hearing)
- d. AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF GOOSE CREEK, SOUTH CAROLINA, BY AMENDING THE TITLE TO CHAPTER 92, STREETS, SIDEWALKS, AND OTHER PUBLIC PROPERTY; AND BY ADDING A NEW SUBSECTION (D), UNDERGROUND DISTRICT - (Second and Final Reading of a Public Hearing)

VI. NEW BUSINESS & PUBLIC HEARINGS

- a. AN ORDINANCE DECLARING A MORATORIUM ON THE ISSUANCE OF NEW BUSINESS LICENSES, PERMITS FOR EXPANSION, AND/OR CERTIFICATES OF OCCUPANCY FOR USED AUTOMOBILE-VEHICLE SALES AND/OR REPAIR-SERVICE SHOPS IN CERTAIN AREAS OF THE CITY OF GOOSE CREEK (Introduction and First Reading of a Public Hearing)
- b. AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF GOOSE CREEK, SOUTH CAROLINA BY REVISING AND MAKING CHANGES TO CHAPTER 37 ELECTIONS, SECTION 37.03 WHEN ELECTIONS TO BE HELD (Introduction and First Reading of a Public Hearing)
- c. AN ORDINANCE TO AMEND CHAPTER 33: CITY ORGANIZATIONS, CULTURAL ARTS COMMISSION, OF THE CODE OF ORDINANCES FOR THE CITY OF GOOSE CREEK, SOUTH CAROLINA, BY REPEALING IN ITS ENTIRETY SECTION 33.102 COMPOSITION AND FUNCTIONS AND ADOPTING IN LIEU THEREOF A NEW SECTION 33.102 COMPOSITION AND FUNCTIONS, WHICH IS MADE A PART HEREOF AS IS FULLY SET OUT HEREIN (Introduction and First Reading of a Public Hearing)

VII. ADMINISTRATOR'S REPORT

- b. Approval of Records Retention Schedule - Fire/EMS Department - (COVID-19 VACCINATION RECORDS) - City Clerk

VIII. MAYOR'S REPORT

IX. MONTHLY DEPARTMENT REPORTS

- a. MONTHLY REPORT OF CONTRACTS OVER \$25,000; EXEMPTIONS AND 2021 FISCAL YEAR BUDGET APPROVALS (Informational Purposes Only)
- b. June Monthly Department Reports (Informational Purposes Only)

X. ADJOURN



Request for City Council Agenda Item

To: Mayor and City Council

From: Kelly J. Lovette, City Clerk

Please check one box

Regular Meeting

Special Meeting

Work Session

Please check one box, if applicable

Ordinance

Resolution

Proclamation

Request to
Purchase

Ordinance/Resolution Title

City Council Meeting - June 8, 2021

City Council Workshop - June 22, 2021

Background Summary

Financial Impact

Impact if denied

Impact if approved

Department Head:

City Administrator:

Signature & Date

Signature & Date



MINUTES
 CITY OF GOOSE CREEK, SOUTH CAROLINA
 REGULAR CITY COUNCIL MEETING
 TUESDAY, June 8, 2021 – 6:00 PM
 CITY HALL – COUNCIL CHAMBERS
 519 N GOOSE CREEK BOULEVARD

MAYOR/COUNCIL PRESENT:

Mayor Gregory S. Habib
 Mayor Pro Tem Jerry Tekac
 Councilmember Hannah Cox
 Councilmember Melissa Enos
 Councilmember Debra Green-Fletcher
 Councilmember Corey McClary
 Councilmember Gayla McSwain

CITY STAFF:

City Administrator Natalie Zeigler
 Assistant City Administrator Brian Cook
 City Clerk Kelly J. Lovette
 Chief Financial Officer Tyler Howanyk
 Director of Planning & Zoning Mark Brodeur
 Chief of Police LJ Roscoe
 Director of Information Technology Ryan Byrd
 Director of Recreation TJ Rostin
 Director of Public Works Chuck Denson
 Public Information Officer Frank Johnson

PRESS PRESENT:

None

GUESTS PRESENT:

None

PURSUANT TO THE FREEDOM OF INFORMATION ACT SC CODE 30-4-80: WRITTEN NOTICE WAS DELIVERED TO THE PRESS BY EMAIL ON FRIDAY, JUNE 4, 2021, AND DULY POSTED AT CITY HALL LOCATED AT 519 N GOOSE CREEK BOULEVARD, AN ACCESSIBLE FACILITY, AND ON CITYOFGOOSECREEK.COM

I. CALL TO ORDER

Mayor Habib called the meeting to order at 6:00 pm and requested Councilmember McClary to lead in the invocation and Pledge of Allegiance.

II. GENERAL PUBLIC COMMENTS: Note: All comments sent to the City Clerk by 12:00 noon on the date of this meeting, via US Mail or Email, as stated on the meeting Agenda, were forwarded to City Council.

Mr. Keith Carter, 346 Camelot Drive, stated his concerns to City Council regarding traffic issues wherein people are using Camelot Drive as a cut through to Pineview Boulevard. He stated he spoke with Lt. Quinn about providing traffic enforcement in that area. Lt. Quinn stated she would turn in a traffic complaint to see what could be done. Mayor Habib thanked Mr. Carter and stated he was sure the complaint was forwarded to the right individuals, and they would be looking into the matter.

III. APPROVAL OF MINUTES:

- a. City Council Meeting – May 11, 2021
- b. City Council Workshop – May 25, 2021

Motion: Councilmember Enos; Second: Councilmember Cox
 Discussion: None.
 Carried: All ayes.

IV. PRESENTATIONS & PROCLAMATIONS:

a. Recognition of High School Student Athletes/Presentation of Mayor's Cup

The following athletes were recognized by Mayor Habib and presented with the Mayor's Certificate of Honor.

Yaturi Bolton (Goose Creek High School) - All State in Football; Melvin Ravenel (Goose Creek High School) – All State in Football; Demetri Simmons (Goose Creek High School) – All State in Football and Basketball; Danielle Brown (Stratford High School) – All State in Track and Field

Mayor Habib presented the Mayor's Cup to Mr. John Chalus, Athletic Director, Stratford High School.

V. OLD BUSINESS & PUBLIC HEARINGS

- a. 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 235-13-02-053, LOCATED AT 108 STEPHANIE DRIVE, INTO THE CITY OF GOOSE CREEK, A SOUTH CAROLINA MUNICIPAL CORPORATION (Second and Final Reading of a Public Hearing)

Motion: Councilmember Green-Fletcher; Second: Councilmember Enos

Discussion: None.

Carried: All ayes.

- b. 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 235-13-02-019, LOCATED ON LIZ LANE, INTO THE CITY OF GOOSE CREEK, A SOUTH CAROLINA MUNICIPAL CORPORATION (Second and Final Reading of a Public Hearing)

Motion: Councilmember Cox; Second: Councilmember McClary

Discussion: None.

Carried: All ayes.

- c. AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF GOOSE CREEK, SOUTH CAROLINA, TO PROVIDE FOR CHANGES IN THE ZONING DISTRICTS OF THE CITY OF GOOSE CREEK BY CHANGING THE ZONING CLASSIFICATION OF THE PROPERTY LOCATED ON THE CORNER OF SASS DRIVE AND OLD MONCKS CORNER ROAD, FURTHER IDENTIFIED AS TMS# 234-08-00-084, FROM GENERAL COMMERCIAL (GC) TO LOW DENSITY RESIDENTIAL (R-1) (Second and Final Reading of a Public Hearing)

Motion: Councilmember Enos; Second: Councilmember Cox

Discussion: None.

Carried: All ayes.

- d. AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF GOOSE CREEK, SOUTH CAROLINA, TO PROVIDE FOR CHANGES TO TITLE III, CHAPTER 34: FINANCE AND TAXATION, BY REPEALING IN ITS ENTIRETY THE CURRENT SECTION "PURCHASING POLICIES AND PROCEDURES" AND ADOPTING IN LIEU THEREOF A NEW SECTION "PURCHASING POLICIES AND PROCEDURES" MADE A PART HEREOF AND SET OUT HEREIN (Second and Final Reading of a Public Hearing)

Motion: Mayor Pro Tem Tekac; Second: Councilmember Enos

Discussion: Councilmember McSwain inquired if the amended language was in the final document. Mrs. Zeigler stated yes.

Carried: All ayes.

VI. NEW BUSINESS & PUBLIC HEARINGS

- a. AN ORDINANCE TO AMEND THE "CODE OF ORDINANCES OF THE CITY OF GOOSE CREEK, SOUTH

CAROLINA", BY AMENDING TITLE XV - LAND USAGE, SUBCHAPTER "ZONING BOARD OF APPEALS SECTION 151.173(B)(1) - MEETINGS", AND SUBCHAPTER "ARCHITECTURAL REVIEW BOARD SECTION 151.190(F)(6) -MEETINGS" BY REMOVING ANY REFERENCES TO THE START TIME FOR THEIR RESPECTIVE MEETINGS - (Introduction and First Reading of a Public Hearing)

Mayor Habib stated the Architectural Review Board and Zoning Board of Appeals want to, and should, change the time so it is convenient, not only to its members, but also for those who are going before them for business.

Motion: Councilmember Green-Fletcher; Second: Councilmember McSwain

Discussion: None.

Carried: All ayes.

- b. AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF GOOSE CREEK, SOUTH CAROLINA, BY CHANGING THE ZONING CLASSIFICATION OF THE PROPERTY LOCATED AT 128 HOWE HALL ROAD (TMS # 252-01-03-007) FROM CONSERVATION/OPEN SPACE DISTRICT (CO) TO GENERAL COMMERCIAL DISTRICT (GC) - (Introduction and First Reading of a Public Hearing)

Mayor Habib stated this property came into the City during a time when everything that was annexed came in immediately as Conservation Open Space. He stated there is a storage unit on this property that pre-exists its annexation which would make it a non-conforming use; so, the proposed Ordinance is simply to zone the property appropriately. Mr. David Bunch thanked City Council for clearing up the matter concerning zoning.

Motion: Councilmember Enos; Second: Mayor Pro Tem Tekac

Discussion: None.

Carried: All ayes.

- c. AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF GOOSE CREEK, SOUTH CAROLINA, TO PROVIDE FOR CHANGES TO THE ZONING ORDINANCE BY REPEALING IN ITS ENTIRETY THE CURRENT CHAPTER 152. SMALL WIRELESS FACILITIES AND REPLACING IT WITH A NEW CHAPTER 152. STANDARDS FOR PLACEMENT OF SMALL WIRELESS FACILITIES - (Introduction and First Reading of a Public Hearing)

Mayor Habib stated the Municipal Association of South Carolina updated its model ordinance with some changes, it is negotiated with a lot of wireless carriers, and it allows for municipalities to have some control on what they look like and where they are placed.

Motion: Councilmember Green-Fletcher; Second: Councilmember Cox

Discussion: None.

Carried: All ayes.

- d. AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF GOOSE CREEK, SOUTH CAROLINA, BY AMENDING THE TITLE TO CHAPTER 92, STREETS, SIDEWALKS, AND OTHER PUBLIC PROPERTY; AND BY ADDING A NEW SUBSECTION (D), UNDERGROUND DISTRICT - (Introduction and First Reading of a Public Hearing)

Mayor Habib stated the proposed Ordinance is in response to the Municipal Association of South Carolina's update to the model ordinance relative to the small wireless facilities, which creates an underground district, which again, allows the City to manage where, when, and how wireless units are erected.

Motion: Councilmember McSwain; Second: Mayor Pro Tem Tekac

Discussion: None.

Carried: All ayes.

- e. A RESOLUTION COMMITTING THE CITY OF GOOSE CREEK TO PROVIDING A PROGRAM FEE FOR THE MUNICIPAL ASSOCIATION OF SOUTH CAROLINA RETAIL RECRUITMENT TRAINING PROGRAM (Introduction, First and Final Reading of a Public Hearing)

Motion: Mayor Pro Tem Tekac; Second: Councilmember Enos
Discussion: None.
Carried: All ayes.

VII. ADMINISTRATOR'S REPORT

- a. EMS Contract with Berkeley County

Mrs. Zeigler presented a request for approval of the renewal of the contract with Berkeley County regarding EMS in the total amount of \$209,230, as discussed at the recent City Council Workshop.

Motion: Councilmember McSwain; Second: Councilmember Cox
Discussion: None.
Carried: All ayes.

- b. Request to Hire Contractor for Landscaped Medians (St. James Avenue/Highway 176 Safety Project)

Mrs. Zeigler presented to City Council a request to hire AOS, the lowest qualified bidder for the landscape of the medians on St. James Avenue/Highway 176. She stated there were four (4) bidders, but two (2) were disqualified due to not submitting proper documents. She stated the amount was higher than originally budgeted; however, the approval was done pre-COVID, and costs have gone up and City staff is working closely with the landscape architect to try and change out some of the plantings so City staff can lower the costs, and staff will keep City Council posted.

Motion: Councilmember Enos; Second: Councilmember McSwain
Discussion: None.
Carried: All ayes.

- c. Code Enforcement Officer Update

Mrs. Zeigler stated there have been some staff changes and City Council is required by Ordinance to appoint and approve the Code Enforcement Officers of the City. A list of Code Enforcement Officers was provided within City Council's packet.

Motion: Councilmember Cox; Second: Councilmember McClary
Discussion: None.
Carried: All ayes.

- d. Request to Hire Trident Construction - Eubanks / Casey Park

Mrs. Zeigler presented to City Council a request to hire Trident Construction for the design/build project of Eubanks Park, not to exceed \$5,000,000. She stated there were nine (9) qualified bidders, City staff interviewed all nine (9) and narrowed the selection down to three (3) highly qualified companies and is recommending Trident Construction. She stated she did wish to point out she has worked with Trident Construction in the past, they developed the waterpark for the City of Hartsville, and it was a very successful project.

Motion: Councilmember Green-Fletcher; Second: Councilmember McClary
Discussion: None.
Carried: All ayes.

VIII. MAYOR'S REPORT

Mayor Habib spoke of the rain that moved through the area on June 5, 2021, and of the flooding that occurred in some areas of the City, and that he ran in to City staff that was, like him, out and about inspecting areas throughout. Mayor Habib provided some history of the City's storm water management, and stated there were some flooding issues in Pineview, Boulder Bluff and Foxborough wherein there were some problems. He stated immediately staff from the City and Berkeley County were working together making sure the drain valves were open so water could move freely, namely at Foxborough Lake, as well as several other areas, to make sure what occurred did not happen again. He stated one of the issues was a Beaver dam that was built, and he pointed out this has been an ongoing issue. He stated the City received 6 ½ inches of rain in less than two (2) hours, and storm water drains are designed to handle 6 ½ inches of rain in twenty-four (24) hours.

Mayor Habib also invited everyone to attend the Police Department's Hot Pursuit 5K, wherein there are currently 353 preregistered, and the monies raised will go toward the Police Department's help fund, Shop with a Badge, during Christmas. He also invited everyone to attend the Farmer's and Artisans Market held most Saturdays, as well as, the City's Fourth of July Festival and to enjoy the fireworks display and to help celebrate the City's 60th Anniversary.

IX. ADJOURN

Motion: Councilmember Cox; Second: Councilmember Enos

Discussion: None.

Carried: All ayes. 6:43 p.m.

Kelly J. Lovette, MMC
City Clerk

Date: July 13, 2021



MINUTES
CITY OF GOOSE CREEK, SOUTH CAROLINA
CITY COUNCIL WORKSHOP
TUESDAY, JUNE 22, 2021 – 6:00 PM
FIRE STATION I – TRAINING ROOM
201 BUTTON HALL AVENUE

MAYOR/COUNCIL PRESENT:

Mayor Gregory S. Habib
Mayor Pro Tem Jerry Tekac
Councilmember Hannah Cox
Councilmember Melissa Enos
Councilmember Debra Green-Fletcher
Councilmember Corey McClary
Councilmember Gayla McSwain-By Phone

CITY STAFF:

City Administrator Natalie Zeigler
Assistant City Administrator Brian Cook
City Clerk Kelly J. Lovette
Tyler Howanyk, Chief Financial Officer

PRESS PRESENT:

None

GUESTS PRESENT:

None

PURSUANT TO THE FREEDOM OF INFORMATION ACT SC CODE 30-4-80: WRITTEN NOTICE WAS DELIVERED TO THE PRESS BY EMAIL ON FRIDAY, JUNE 18, 2021, AND DULY POSTED AT CITY HALL LOCATED AT 519 N GOOSE CREEK BOULEVARD, AN ACCESSIBLE FACILITY, AND ON CITYOFGOOSECREEK.COM

I. CALL TO ORDER

Mayor Habib called the meeting to order at 6:00 pm.

II. DISCUSSION ITEM(S)

- a. Kathy Maness, Councilwoman, Town of Lexington, and President of the National League of Cities

Mrs. Maness was not able to make the meeting due to an unexpected family matter. She has been rescheduled for the upcoming City Council Workshop in August.

- b. Discussion of Cultural Arts Commission Requirements

Mrs. Zeigler stated this was Mayor Habib's idea and it was a good one. She stated we have had difficulty recruiting people for the Cultural Arts Commission and by City Code, it says it is composed of seven (7) residents of the City. We are recommending adding of the "the City or the Goose Creek Recreation District" so City staff can expand the advertising for our recruiting efforts. After a brief discussion, it was decided the CAC would be comprised of up to two (2) seats would be filled by residents from the Goose Creek Recreation District and five (5) seats would be filled by residents of Goose Creek.

- c. Discussion of a Moratorium on the Issuance of New Business Licenses, Permits for Expansion, Certificates of Occupancy for: (1) Used Automobile Vehicle Sales; (2) Repair Shops

Mr. Cook briefed City Council on the proposed Zoning Code rewrite within the areas of the City's existing incentive zones that were previously approved by City Council. He stated City staff has received a good many inquiries by people who wished to open used car lots and repair shops along the Redbank Road corridor. He reviewed the City's current zoning for the uses of these types of businesses and commented on future development within the overlay district in the incentives area and how this could affect the areas redevelopment. He stated this would be a temporary moratorium that is being suggested by the Zoning staff's recommendation. Mayor Habib elaborated on what Mr. Cook stated and he gave a brief history on where the incentive area came from. He stated the moratorium would be used to make that area and our City what we would want it to look like and what we would want to see in those areas. Mrs. Zeigler stated City staff was recommending a moratorium for at least 18 months until the overlay of the zoning district can be completed. After discussion amongst City Council on the subject,

types of businesses currently in that area and the vision the City has for future growth, it was decided to take a proposed Ordinance before City Council at their regular City Council meeting in July.

d. Special Events Discussion

Mr. Howanyk thoroughly briefed and reviewed with City Council the need for a Special Events Ordinance and presented to them City staff's proposed suggestions of what should be implemented within a newly revised Special Events Application; as well as the need for a Parade Ordinance. Mr. Howanyk stated Greenville has many special events throughout the year and City staff has thoroughly reviewed their Special Events Application and are recommending modeling the City's very much like Greenville's. Mr. Howanyk thoroughly answered all of City Council's questions.

e. AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF GOOSE CREEK, SOUTH CAROLINA, BY REVISING AND MAKING CHANGES TO THE ELECTIONS, SECTION 37.03 WHEN ELECTIONS TO BE HELD

Mayor Habib stated the next item has to do with changing the election years from even to odd years. Mrs. Zeigler stated within the City Council packet is a list of municipalities who already hold their elections during odd number years. Mayor Habib stated it was thought by City Council to move the elections to November, wherein there are more people voting; but hindsight being what it is, it was not discussed wherein the elections should be held during odd number years in November, so the public is recognizing it is municipal election time and municipal elections are not being drowned out by the presidential election. Mayor Habib stated the Municipal Associations of all the states and the International City Council Manager's Association are in support of this and much of the research shows your ability to drive the narrative is most effective on odd number years, so you are not competing with all the noise from the General Election, and the media has the ability to focus on municipal elections. Participation during an odd number year is going to be much greater than an election in April whether it be in odd or even number years. There was a brief discussion on incentivizing elections for voters, as well as how to go about making the change. It was stated there would be council members serving one (1) term of five (5) years in order to get the elections moved to even number years. Mayor Habib suggested those Council members running for council in 2022 would be for one (1) five-year term and those Council members who were not running in 2022, their terms would be extended for one (1) additional year. Councilmember McSwain stated she did not wish to move the elections to odd number years. Mayor Pro Tem Tekac stated he concurred with Mayor Habib on the length of terms for the 2022 election (five (5) year term) and extending the other Councilmembers for one (1) more year, making it a total of five (5). Councilmember McClary stated he felt by changing the elections to odd number years, there would be less people coming out to vote. Councilmember McSwain requested that City staff look at whether or not City Council could legally change the terms of office by extending same.

III. ADJOURNMENT

Motion: Mayor Pro Tem Tekac; Second: Councilmember McSwain

Discussion: None.

Carried: All ayes, 7:14 p.m.

Date: July 13, 2021

Kelly J. Lovette, MMC
City Clerk



Request for City Council Agenda Item

To: Mayor and City Council

From: City Clerk

Please check one box

Regular Meeting

Special Meeting

Work Session

Please check one box, if applicable

Ordinance

Resolution

Proclamation

Request to
Purchase

Ordinance/Resolution Title

Presentation to City Council - One Region Roadmap (Brent Jonas, Director Stakeholder Relations, Charleston Regional Development Alliance)

Background Summary

This is a regional study on economic resiliency and expanding opportunity to all residents. This effort is being led by One Region stakeholders including BCDCOG, Charleston Metro Chamber, Charleston Regional Development Alliance, and the public, private, academic, and nonprofit sectors of our community.

Financial Impact

Impact if denied

Impact if approved

Department Head:

City Administrator:

Signature & Date

Signature & Date



One Region Roadmap Seeks Crucial Input from Residents & Businesses

Responses to region-wide survey are critical in driving strategic growth and creating opportunities for all communities

NORTH CHARLESTON, S.C. (Tuesday, June 29, 2021) – [One Region](#) has launched a three-county-wide survey aimed at further understanding the challenges faced by residents and businesses -- along with preferences regarding what opportunities the region should pursue today and in the future.

Now, this comprehensive partnership of business, government, academic, nonprofit and community leaders is turning to the public for crucial input that only residents and business owners can provide.

The survey can be found at OneRegionRoadmap.com and will be live through Aug. 20.

“One Region is going straight to the source to hear from the Berkeley-Charleston-Dorchester community, so we can build on the lessons learned from COVID-19 and anticipate potential threats to our region’s economy,” said Dr. Kendra Stewart, One Region Chair and Director of the Joseph P. Riley, Jr. Center for Livable Communities at the College of Charleston.

The survey is part of the [One Region Roadmap: Opportunities for All](#) effort. The Roadmap is an economic recovery and resiliency plan that will define a healthy greater Charleston while offering real solutions, implementable actions and measurable results.

“One Region Roadmap is an opportunity for the public to define the future of the Tri-County region and to address many of the longstanding challenges in our communities. The input we receive will help us define priorities to move our region forward,” said Dr. Stewart.

One Region Roadmap: Opportunities for All is the next evolution of the **One Region Strategy** launched in 2016. It begins a new strategic planning and public input process, providing a broad platform for the community to address economic challenges old and new -- and to prepare for adversities yet to come. The plan should be completed by February 2022.

Additional opportunities for engagement and to provide feedback will be available through the end of 2021.

The effort is led by **One Region** stakeholders including BCDCOG, Charleston Metro Chamber, Charleston Regional Development Alliance, and the public, private, academic, and nonprofit sectors of our community.

###

MEDIA CONTACTS

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Request for City Council Agenda Item

To: MAYOR AND CITY COUNCIL

From: MARK J BRODEUR

Please check one box

Regular Meeting

Special Meeting

Work Session

Please check one box, if applicable

Ordinance

Resolution

Proclamation

Request to
Purchase

Ordinance/Resolution Title

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF GOOSE CREEK, SOUTH CAROLINA, BY CHANGING THE ZONING CLASSIFICATION OF THE PROPERTY LOCATED AT 128 HOWE HALL ROAD (TMS # 252-01-03-007) FROM CONSERVATION/OPEN SPACE DISTRICT (CO) TO GENERAL COMMERCIAL DISTRICT (GC) - (Second and Final Reading of a Public Hearing)

Background Summary

Request rezoning by owner of a property located on Howe Hall Road. The property, 128 Howe Hall Road, is an existing mini storage facility named "Mini Warehouses of Goose Creek". The rezone proposal is to rezone this 2.35-acre property from Conservation/Open Space (C/OS) to General Commercial (GC).

Financial Impact

The scope of the financial impact is significant in a positive way.

Impact if denied

Property may not be improved as a Non-conforming Use.

Impact if approved

Approval will permit the property owner to make needed improvements to existing use.

Department Head:

City Administrator:

Signature & Date

Signature & Date



THE CITY OF
GOOSE CREEK

BERKELEY CO. EST. 1961 SO. CAROLINA

Mark J. Brodeur
Planning Director

CITY HALL
519 N. GOOSE CREEK BLVD.
P.O. DRAWER 1768
GOOSE CREEK, SC 29445-1768

TEL (843) 797-6220 EXT 1118
FAX (843) 863-5208

mbrodeur@cityofgoosecreek.com

TO: Mayor and City Council
FROM: Mark Brodeur, Director, Planning & Zoning
DATE: June 8, 2021
SUBJECT: Rezoning Request

Proposal:

The applicant, Wando Properties, LLC, has requested to come before the Council to request rezoning a property located on Howe Hall Road. The property, 128 Howe Hall Road, is an existing mini storage facility named "Mini Warehouses of Goose Creek". The rezone proposal is to rezone this 2.35-acre property from Conservation/Open Space (C/OS) to General Commercial (GC). According to the Berkeley County Property Card, the property was annexed into the City of Goose Creek effective August 13, 2013.

Background:

The subject property is identified as TMS #252-01-03-007. The property defines one of the City boundaries at the southern end of Goose Creek. The property is narrow and very deep. There is one primary structure that is very long and narrow. There are also several uncovered RV's stored on the lot.

Discussion:

As currently situated, the mini-storage land use is a legal non-conforming use in the Conservation/Open Space Zoning designation. Since the use is non-conforming, no expansion or substantial improvements are permitted. The applicant wishes to change the zoning in order to make small, incremental improvements to the office and primary structure.

The current use is categorized in the Zoning Ordinance as "Warehousing, mini warehouses, with units having access from exterior of unit". That use is permitted in the City's General Industrial District and Heavy Industrial District. The applicant and staff felt that those two proposed zoning designations were inappropriate given the zoning currently surrounding the property. Thus, the applicant simply wants to rezone the property General Commercial while acknowledging that only small improvements can be made.

The subject site is bounded by a variety of land uses. Directly across the street is Howe Hall Aims Elementary School. Flanking the site is a vacant 5.21-acre wooded site that is zoned General Commercial and owned by Wando Properties LLC. This property was annexed into the City in 2006. On the other flank, the properties are in Berkeley County and are zoned R-2 and General Commercial. There are no industrially zoned properties in the vicinity.

Recommendation:

Hold the first reading of two readings and direct the City Clerk to schedule the second of the two public hearings.





STAFF REPORT FOR THE CITY OF GOOSE CREEK PLANNING COMMISSION & CITY COUNCIL

For reference, the City of Goose Creek Code of Ordinances are available online at
<https://www.cityofgoosecreek.com/government/code-ordinances>

Agenda Item	
Request #:	2520103007
Applicant:	David W. Bunch, Chairman/CEO Bunch Truck Group
Location/Address:	128 Howe Hall Road
Requested Zoning District:	GC – General Commercial

Subject Parcel	
Property Owner:	Wando Properties, LLC
Tax Map Number:	252-01-03-007
Approximate Acreage:	2.35
Plat Book & Page:	3738, Page 0321
NEW Comprehensive Plan Land Use Map Designation:	Village Node Mixed Use
Current Zoning:	CO - Conservation Open Space

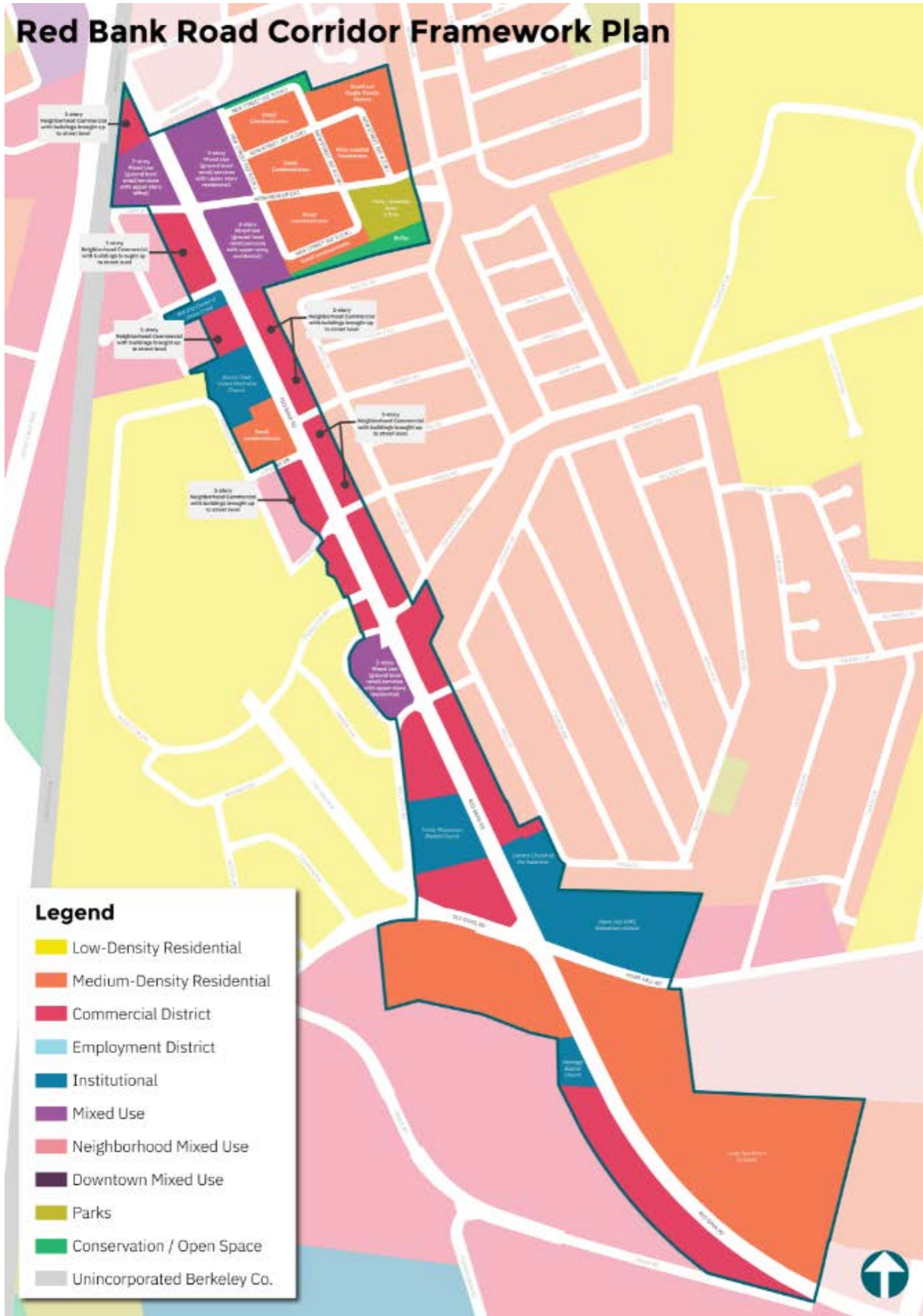
Property Zoning to the		Property Uses to the	
North:	General Commercial	North:	School
South:	General Commercial	South:	Multi-Family Residential
East:	Berkeley County General Commercial	East:	Duplex residential and vacant
West:	General Commercial	West:	Vacant

Aerial Map



Zoning Map





Relationship to Comprehensive Plan
The newly created Comprehensive Plan tentatively recommends this area for Village Node District. The Village Node District is intended to encourage the mixture of residential, commercial and institutional uses in a walkable setting.

History of Property		
Date	Type of Request	Decision
2006	Annexation	Annexed

Staff Comments
The Applicant is requesting to rezone the parcel from CO - Conservation Open Space to GC General Commercial. In 2006 when it was annexed into the City the Co Zoning was automatically applied to the property. The applicant never sought to rezone it appropriately.
Click or tap here to enter text.
An existing mini storage facility occupies the site. The applicant would like to remove the “mobile home” office into a more permanent structure.

Anticipated Meeting Schedule		
Body	Meeting Date	Action
Planning Commission	April 6, 2021	Pending
Planning Commission	Click or tap here to enter text.	
City Council Public Hearing	May 11, 2021	Pending
City Council Public hearing	June 8, 2021	Pending
<i>City Council Meetings subject to change. Please check the website for up-to-date information.</i>		

<p>Planning Commission Voted to _____ the request by a vote of __ to _____.</p>	
<p>Planning Commission Comments:</p>	
<p>Motion was made to _____ the rezoning of 128 Howe Hall Road from Conservation/Open Space to General Commercial on April 6, 2021.</p>	
<p> </p>	
<p> </p>	
<p> </p>	
<p> </p>	
<p>Planning Commission Chair Signature:</p>	<p>Date: April 6, 2021</p>
<p>Joshua Johnson</p>	

AN ORDINANCE

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF GOOSE CREEK, SOUTH CAROLINA, BY CHANGING THE ZONING CLASSIFICATION OF THE PROPERTY LOCATED AT 128 HOWE HALL ROAD (TMS # 252-01-03-007) FROM CONSERVATION/OPEN SPACE DISTRICT (CO) TO GENERAL COMMERCIAL DISTRICT (GC)

WHEREAS, the Planning Commission of the City of Goose Creek held a public hearing on April 6, 2021 to receive public comment and to consider a change in zoning classification from Conservation/Open Space (CO) to General Commercial (GC); and

WHEREAS, pursuant to said public hearing, the Planning Commission voted unanimously to recommend approval of the rezoning of the property aforesaid to the General Commercial (GC) zoning district; and

WHEREAS, the City Council of the City of Goose Creek unanimously voted to support the zone change.

NOW, THEREFORE, BE IT ORDAINED and ordered by the Mayor and City Council of the City of Goose Creek, South Carolina, that the Zoning Map of the City of Goose Creek, South Carolina, is hereby amended by changing the zoning district classification of the property located at 128 Howe Hall Road, designated as TMS #235-01-03-007, from Conservation/Open Space (CO) to General Commercial (GC).

All ordinances and provisions in conflict herewith are repealed, and if any sentence, clause, phrase, or word contained herein shall be held invalid, such invalidity shall not affect the validity of the remainder of this ordinance.

This ordinance shall become effective immediately upon adoption.

INTRODUCED the 8th day of June 2021.

DONE the _____ day of July 2021.

Mayor Gregory S. Habib

Attest: _____
Kelly J. Lovette, MMC, City Clerk

Mayor Pro Tem Jerry Tekac

Councilmember Debra Green-Fletcher

Councilmember Corey McClary

Councilmember Gayla S.L. McSwain

Councilmember Hannah J. Cox

Councilmember Melissa Enos



Request for City Council Agenda Item

To: Mayor and City Council Members

From: Mark Brodeur

Please check one box

Regular Meeting

Special Meeting

Work Session

Please check one box, if applicable

Ordinance

Resolution

Proclamation

Request to
Purchase

Ordinance/Resolution Title

AN ORDINANCE TO AMEND THE "CODE OF ORDINANCES OF THE CITY OF GOOSE CREEK, SOUTH CAROLINA", BY AMENDING TITLE XV - LAND USAGE, SUBCHAPTER "ZONING BOARD OF APPEALS SECTION 151.173(B)(1) - MEETINGS", AND SUBCHAPTER "ARCHITECTURAL REVIEW BOARD SECTION 151.190(F)(6) - MEETINGS" BY REMOVING ANY REFERENCES TO THE START TIME FOR THEIR RESPECTIVE MEETINGS - (Second and Final Reading of a Public Hearing)

Background Summary

The proposed Zoning Code Text Amendment would remove any Municipal Code requirements for the starting time of public meetings before the Architectural Review Board and Zoning Board of Appeals.

Financial Impact

None

Impact if denied

Both the ARB and the ZBA would not be permitted to meet at an earlier or later time.

Impact if approved

ARB and ZBA would be permitted to vary their start times to accommodate the public.

Department Head:

City Administrator:

Signature & Date

Signature & Date



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

Mark J. Brodeur
Planning Director

CITY HALL
519 N. GOOSE CREEK BLVD.
P.O. DRAWER 1768
GOOSE CREEK, SC 29445-1768

TEL (843) 797-6220 EXT 1118
FAX (843) 863-5208

mbrodeur@cityofgoosecreek.com

TO: Honorable Mayor and Members of the City Council

FROM: Mark Brodeur, Planning and Zoning Director

DATE: June 8, 2021

SUBJECT: Public Hearing to consider the elimination of a 'Start Time' for meetings before the Architectural Review Board and Zoning Board of Appeals

Proposal:

The proposed Zoning Code Text Amendment would remove any Municipal Code requirements for the starting time of public meetings before the Architectural Review Board and Zoning Board of Appeals.

Background:

Only two Boards/Commissions in the City have their start time established by Municipal Code. Those Boards and Commissions may find that those start times are not appropriate and may want to establish their own start times as the need arises.

The Architectural Review Board (ARB) and the Zoning Board of Appeals (ZBA) have their start times established by the Municipal Code as outlined in Chapters 151.173 and 151.190. No other Boards or Commissions have their meeting start times regulated by the Municipal Code.

Discussion:

It would seem inconsistent that only two Boards or Commissions have their start times regulated by the Municipal Code. Other boards, including the City Council are not bound by such restrictions. At different times, each board or commission may want to adjust their start times to accommodate its members, staff or the public as appropriate.

Recommendation:

Open and hold a Public Hearing and recommend the removal of the Municipal Code sections that establish a start time for the Architectural Review Board and Zoning Board of Appeals meetings.



AN ORDINANCE

AN ORDINANCE TO AMEND THE "CODE OF ORDINANCES OF THE CITY OF GOOSE CREEK, SOUTH CAROLINA", BY AMENDING TITLE XV – LAND USAGE, SUBCHAPTER "ZONING BOARD OF APPEALS SECTION 151.173(B)(1) - MEETINGS", AND SUBCHAPTER ARCHITECTURAL REVIEW BOARD SECTION 151.190(F)(6) MEETINGS" BY REMOVING ANY REFERENCES TO THE START TIME FOR THEIR RESPECTIVE MEETINGS

WHEREAS, the City Council of the City of Goose Creek held a public hearing on June 8, 2021, to receive public comment and to consider a change in the Municipal Code removing references to meeting start times for the Zoning Board of Appeals and the Architectural Review Board, and;

WHEREAS, the City Council of Goose Creek desires to allow individual boards and commissions to establish their own start times as may be necessary to accommodate the public, and;

WHEREAS, the current zoning subchapters specifically require that the Zoning Board of Appeals (ZBA) and Architectural Review Board (ARB) meet at 6:30 pm, and;

WHEREAS, the City Council of Goose Creek wants to remove inconsistent elements in the Code.

NOW, THEREFORE, BE IT ORDAINED and ordered by the Mayor and City Council of the City of Goose Creek, South Carolina, that the Code of Ordinances of the City of Goose Creek, South Carolina, is hereby amended to remove mandated start times for meetings for any board or commission.

All ordinances and provisions in conflict herewith are repealed, and if any sentence, clause, phrase, or word contained herein shall be held invalid, such invalidity shall not affect the validity of the remainder of this ordinance.

This ordinance shall become effective immediately upon adoption.

INTRODUCED the 8th day of June 2021.

DONE the _____ day of July 2021.

Mayor Gregory S. Habib

Attest: _____
Kelly J. Lovette, MMC, City Clerk

Mayor Pro Tem Jerry Tekac

Councilmember Debra Green-Fletcher

Councilmember Corey McClary

Councilmember Gayla S.L. McSwain

Councilmember Hannah J. Cox

Councilmember Melissa Enos

§ 151.173 ORGANIZATION, MEETINGS AND RULES OF PROCEDURE.

(A) Organization.

(1) *Rules.* The rules of procedures are adopted pursuant to S.C. Code § 6-29-790.

(2) *Officers.* The officers of the ZBA shall be a Chairperson and a Vice-Chairperson elected for a one year term before the end of each calendar year. The ZBA shall appoint a member of the staff of the City as Secretary (non-voting member) of the ZBA.

(3) *Chairperson.* The Chairperson shall be a voting member of the ZBA and shall have the following duties:

(a) Call meetings of the ZBA;

(b) Preside at meetings and hearings, and swear in witnesses;

(c) Act as spokesperson for the ZBA;

(d) Sign documents for the ZBA;

(e) Have orders of the ZBA served on parties, and in case of contempt may certify the fact to the Circuit Court having jurisdiction; and

(f) Perform other duties approved by the ZBA.

(4) *Vice-Chairperson.* The Vice-Chairperson shall exercise the duties of the Chairperson in the absence, disability or disqualification of the Chairperson. In the absence of the Chairperson and Vice-Chairperson, the acting Chairperson shall be elected by the members present.

(5) *Secretary.* The duties of the Secretary shall be as follows:

(a) Provide and publish notice of appeals and meetings;

(b) Assist the Chairperson in preparation of agenda;

(c) Keep recordings and minutes of meetings and hearings showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact;

(d) See that property involved in appeals and variances or special exceptions is properly posted;

(e) Keep records of ZBA examinations and other official actions;

(f) Maintain ZBA records as public records;

(g) Serve ZBA decisions on parties;

(h) Attend to ZBA correspondences; and

(i) Perform other duties normally carried out by a Secretary.

(B) Meetings.

(1) *Time and place.* All scheduled meetings shall be open to the public and conducted in accordance with state law. Parties in interest may appear personally or by agent. ZBA meetings shall be held ~~at 6:30 p.m.~~ at the Marguerite Brown Municipal Center, 519 North Goose Creek Boulevard, unless otherwise announced. Special meetings may be held on the call of the Chairperson upon 24 hours' notice, at the other times as the ZBA may determine, posted and delivered to all members and the local news media, and designate the time and place of its meetings.

ARCHITECTURAL REVIEW BOARD

§ 151.190 ORGANIZATION.

The Architectural Review Board shall organize itself as follows:

(A) *Creation.* There is hereby created an Architectural Review Board (hereinafter referred to as the “ARB”) to be composed of seven members appointed by the Mayor and City Council (hereinafter referred to as “the Council”), City of Goose Creek. The Council will consider for appointment to the ARB only those persons who reside in the city and have demonstrated their civic interest, general knowledge of the city, independent judgment and availability to prepare for and attend meetings. Members shall also have a demonstrated interest in, and/or competence and knowledge of, architecture, landscape architecture and urban design. It is the intent of City Council that members shall, by reason of diversity in their individual occupations, constitute an ARB which is broadly representative of the Community.

(B) *Terms of office.* The members of the ARB shall be identified by place numbers one through seven. The four odd-numbered places shall expire on December 31, of each odd-numbered year, with the three even-numbered to expire on December 31, of each even-numbered year. Vacancies shall be filled for unexpired terms. ARB members may be appointed to succeed themselves. All terms shall be for two years, except those initially appointed to the ARB whose terms expire on December 31, of the first odd or even numbered year as stated above. Newly appointed members shall be installed at the first regularly scheduled ARB meeting after their appointment. No member shall be the holder of an elected public office in the city while serving on the ARB.

(C) *Vacancy.* A vacancy in a term of office shall occur whenever Council finds that a member has resigned, not maintained required qualifications, has not attended properly called meetings without just cause or has been found guilty of malfeasance or misconduct in office.

(D) *Intent and purposes.* The intent and purposes of the ARB are as follows:

(1) To protect and provide for the unique, special and desired character of the Commercial and Light Industrial Districts and uses inside the City of Goose Creek, in terms of positive visual and aesthetic appearances of these districts and uses including their respective roadways;

(2) The above intent and purpose can be achieved through positive site design, superior architectural standards, attractive street scape improvements, adequate provision of landscape elements and harmonious combinations of signage along both sides of the roadways and street scales of the City of Goose Creek;

(3) To discourage piecemeal development and create unity along the Commercial and Light Industrial Districts and uses of the city;

(4) To foster civic beauty;

(5) To encourage designs which produce a desirable relationship between individual buildings, the circulation system and adjacent areas and to permit a flexible, high quality response of development to a variety of land uses and activities;

(6) To assure respect for the character, integrity and quality of the built and natural environments of the city; and

(7) It is not the intent of the city to stifle innovative architecture.

(E) *Duties and powers.* All new developments proposed within the Commercial and Light Industrial Districts and uses of the city shall be subject to the procedures, standards and guidelines specified in the following sections, in addition to those standards pertaining to the particular zoning district in which the development occurs. This will be accomplished through evaluation of proposed developments by the ARB which shall review the character, and appearance of the proposed developments in a positive manner. It is the purpose of the review to determine, in a cooperative fashion with the developer (hereinafter referred to as the "applicant"), whether the proposed plan meets the guidelines and other standards as specified.

(1) *Criteria for modifications; changes to be reviewed by the ARB.* If any of the criteria below applies, ARB approval is required:

(a) Modifications and/or changes in excess of 10% of the property value of a parcel of property shall be reviewed by the ARB, but this shall be 50% for structures that predate the existence of the Architectural Review Design Ordinance adopted April 20, 1993;

(b) Substantial architectural change in the structure(s);

(c) All color changes;

(d) All changes in signs; and

(e) Change in appearance of structure(s).

(2) *Annual report.* The ARB shall submit an annual report to Council each year, summarizing its activities and achievements. The report shall include the identity of ARB members and their respective meeting attendance record.

(F) *Organization and rules of procedures.*

(1) *Rules.* The rules of procedures are adopted pursuant to S.C. Code § 6-29-790.

(2) *Officers.* The officers of the ARB shall be a Chairperson and a Vice-Chairperson elected for one-year term before the end of each calendar year. The ARB shall appoint a member of the staff of the city as Secretary (non-voting member) of the ARB.

(3) *Chairperson.* The Chairperson shall be a voting member of the ARB and shall have the following duties:

(a) Call meetings of the ARB;

- (b) Presides at meetings and hearings, and swear in witnesses;
- (c) Act as spokesperson for the ARB;
- (d) Sign documents for the ARB;
- (e) Have order of the ARB served on parties, and in case of contempt, may certify the fact to the circuit court having jurisdiction; and
- (f) Perform other duties approved by the ARB.

(4) *Vice-Chairperson.* The Vice-Chairperson shall exercise the duties of the Chairperson in the absence, disability or disqualification of the Chairperson. In the absence of the Chairperson and Vice-Chairperson, the acting Chairperson shall be elected by the members present.

(5) *Secretary.* The duties of the Secretary shall be as follows:

- (a) Provide and publish notice of appeals and meetings;
- (b) Assist the Chairperson in preparation of agenda;
- (c) Keep recordings and minutes of meetings and hearings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact;
- (d) Keep records of ARB examinations and other official actions;
- (e) Maintain ARB records as public records;
- (f) Attend to ARB correspondences; and
- (g) Perform other duties normally carried out by a Secretary.

(6) *Meetings.*

(a) *Time and place.* All regularly scheduled meetings shall be open to the public, and conducted in accordance with state law. Parties in interest may appear personally or by agent. Regular meetings shall be held each month on the third Monday, at 6:30 p.m. at the Marguerite Brown Municipal Center, 519 North Goose Creek Boulevard, unless otherwise announced. Special meetings may be held on the call of the Chairperson upon 24 hours notice, at other times as the ARB may determine, posted and delivered to all members and the local news media, and designate the time and place of its meetings. Deadlines for ARB meetings occur at least 14 days prior to meeting dates. An annual schedule of regular meetings shall be adopted, published and posted at City Hall in December of each year.



Request for City Council Agenda Item

To: Natalie Zeigler, City Administrator, Mayor and City Council

From: Brian Cook, Asst. City Administrator

Please check one box

Regular Meeting

Special Meeting

Work Session

Please check one box, if applicable

Ordinance

Resolution

Proclamation

Request to
Purchase

Ordinance/Resolution Title

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF GOOSE CREEK, SOUTH CAROLINA, TO PROVIDE FOR CHANGES TO THE ZONING ORDINANCE BY REPEALING IN ITS ENTIRETY THE CURRENT CHAPTER 152. SMALL WIRELESS FACILITIES AND REPLACING IT WITH A NEW CHAPTER 152. STANDARDS FOR PLACEMENT OF SMALL WIRELESS FACILITIES - (Second and Final Reading of a Public Hearing)

Background Summary

The S.C. General Assembly by Act 179 of 2020, referred to as the South Carolina Small Wireless Facilities Deployment Act, established terms, conditions, procedures, rates, and fees upon which Small Wireless Facilities may be deployed in the right of way. The new version MASC model ordinance is proposed.

Financial Impact

Minimal

Impact if denied

Not fully in compliance with the South Carolina Small Wireless Facilities Deployment Act

Impact if approved

In compliance with the South Carolina Small Wireless Facilities Deployment Act

Department Head:

City Administrator:

Signature & Date

Signature & Date

AN ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF GOOSE CREEK, SOUTH CAROLINA, TO PROVIDE FOR CHANGES TO THE ZONING ORDINANCE BY REPEALING IN ITS ENTIRETY THE CURRENT CHAPTER 152. SMALL WIRELESS FACILITIES AND REPLACING IT WITH A NEW CHAPTER 152. STANDARDS FOR PLACEMENT OF SMALL WIRELESS FACILITIES

WHEREAS, the City of Goose Creek (the "Municipality") encourages wireless infrastructure investment and wishes to provide a fair and predictable process for the deployment of Small Wireless Facilities (as defined herein) while managing the right of way in a manner that promotes the interests of the public health, safety, and welfare;

WHEREAS, the Municipality recognizes that Small Wireless Facilities, including facilities commonly referred to as small cell and distributed antenna systems, are critical to delivering wireless access to advanced technology, broadband, and 9-1-1 services to residences, businesses, and schools within the Municipality;

WHEREAS, the Municipality recognizes that Small Wireless Facilities together with high-capacity transport medium such as fiber optic cabling may be effectively deployed in the right of way;

WHEREAS, by Act 179 of 2020, referred to as the South Carolina Small Wireless Facilities Deployment Act and codified as S.C. Code §§ 58-11-800 et seq. (the "SWF Act"), the South Carolina General Assembly has established the terms, conditions, procedures, rates, and fees upon which Small Wireless Facilities may be deployed in the right of way;

WHEREAS, the Municipality has previously enacted Ordinance No. 18-014 on July 10, 2018 (the "Prior SWF Ordinance"), which established the terms, conditions, procedures, rates, and fees that shall apply to the deployment of Small Wireless Facilities in the right of way;

WHEREAS, in order to ensure that the Municipality is in compliance with the SWF Act, the Municipality hereby repeals the Prior SWF Ordinance and replaces it, in its entirety and effective immediately, with the text set forth below;

WHEREAS, this Ordinance is intended to grant municipal consent to use of the right of way and establish a standard application process to streamline the issuance of necessary permits in a manner that is not a barrier to competition, and does not unnecessarily delay the implementation and installation of Small Wireless Facilities;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GOOSE CREEK, SOUTH CAROLINA, that Title XV of the Municipality's Code of Ordinances is hereby amended by repealing in its entirety the current Chapter 152 and by replacing it to add a new Chapter 152 entitled "Standards for Placement of Small Wireless Facilities," to read as follows:

Section 1. Definitions.

"Antenna" means (a) communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of Wireless Services; and (b) similar equipment used for the transmission or reception of surface waves.

"Applicable Codes" means uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization, or local amendments to those codes that are of general application, address public safety, and are consistent with this Ordinance.

"Applicant" means any Person who submits an Application.

"Application" means a request submitted by an Applicant for a Permit to (i) Collocate Small Wireless Facilities; or (ii) install, modify, or replace a Pole.

"Collocate" means to install, mount, maintain, modify, operate, or replace Small Wireless Facilities on or adjacent to a Pole or Support Structure. "Collocation" has a corresponding meaning.

"Communications Facility" means the set of equipment and network components, including wires, cables, surface wave couplers, and associated facilities used by a cable operator, as defined in 47

U.S.C. Section 522(5); a provider of "video service" as defined in S.C. Code § 58-12-300(10); a telecommunications carrier, as defined in 47 U.S.C. Section 153(51); a provider of information service, as defined in 47 U.S.C. Section 153(24); or a Wireless Services Provider to provide Communications Services, including cable service, as defined in 47 U.S.C. Section 522(6); telecommunications service, as defined in 47 U.S.C. Section 153(53); an information service, as defined in 47 U.S.C. Section 153(24); Wireless Services; surface wave communication; or other one-way or two-way communications service.

"Communications Network" means a network used to provide Communications Service.

"Communications Service" means cable service as defined in 47 U.S.C. Section 522(6), information service as defined in 47 U.S.C. Section 153(24), telecommunications service as defined in 47 U.S.C. Section 153(53), or Wireless Services.

"Communications Service Provider" means a cable operator, as defined in 47 U.S.C. Section 522(5); a provider of information service, as defined in 47 U.S.C. Section 153(24); a telecommunications carrier, as defined in 47 U.S.C. Section 153(51); or a Wireless Provider.

"Day" means a calendar day unless the last day for the Municipality or an Applicant to take action under this Ordinance ends on a weekend, holiday, or time when all, but Municipality emergency services are closed due to weather or some unforeseen situation.

"Decorative Pole" means a Pole, including a Municipality Pole, that is specially designed and placed for aesthetic purposes and on which no appurtenances or attachments (other than a Small Wireless Facility, public safety devices, or specially designed informational or directional signage or temporary holiday or special event attachments) have been placed or are permitted to be placed according to nondiscriminatory rules or codes.

"Design District" means a discrete area within the jurisdiction of the Municipality for which the Municipality maintains and enforces unique design and aesthetic standards on a uniform and nondiscriminatory basis among all occupants of the ROW, on the grounds that the characteristics of the discrete area warrant design and aesthetic standards that differ from those that apply to the majority of the areas within the jurisdiction of the Municipality. [The Design Districts in existence or otherwise established as of the date hereof are set forth in Exhibit A hereto.]

"Design Manual" means a manual or guidebook that sets forth additional aesthetic, design, concealment, and stealth requirements applicable to Small Wireless Facilities. The Design Manual may also, but need not, set forth examples of Small Wireless Facility deployments that the Municipality deems to comply with this Ordinance. [The initial form of the Design Manual is attached hereto as Exhibit B.]

"Eligible Facilities Request" means a request for modification of an existing tower or base station (as those terms are defined in 45 CFR §1.6100(b)) that does not involve a substantial change in the physical dimensions of such tower or base station and that involves Collocation of new transmission equipment, removal of transmission equipment, or replacement of transmission equipment.

"Fee" means a one-time, non-recurring charge.

"Historic District" means a group of buildings, properties, or sites that is either:

(a) listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the National Register, in accordance with Section VI.D.1.a.i.v of the Nationwide Programmatic Agreement codified at 47 C.F.R. Part 1, Appendix C; or

(b) a registered historic district pursuant to State law at the time the Application is submitted; or

(c) an "overlay zone," as defined in and limited by the South Carolina Comprehensive Planning Act, (1) that has been established by the Municipality at least sixty days prior to the relevant Application; (2) for which the special public interest to be protected is the preservation and protection of historic and architecturally valuable districts and neighborhoods or archaeologically significant resources according to uniform design standards; and (3) for which the Municipality maintains and enforces objective standards that are published in advance and applied on a uniform and nondiscriminatory basis.

“Micro Wireless Facility” means a Small Wireless Facility that (a) is not larger in dimension than twenty-four inches in length, fifteen inches in width, and twelve inches in height; and (b) for which no exterior antenna is longer than eleven inches.

“Municipality Pole” means a Pole owned, managed, or operated by or on behalf of the Municipality; provided, however, that such term shall not include any Pole, Support Structure, electric transmission structure, or equipment of any type that is part of a municipally owned or municipally controlled electric plant or system for furnishing of electricity to the public for compensation. The term Municipality Pole shall include, without limitation, Poles that the Municipality leases, rents, licenses, or otherwise compensates the owner thereof for the provision of street lighting.

“Permit” means a written authorization, in electronic or hard copy format, required to be issued by the Municipality to initiate, continue, or complete the Collocation of a Small Wireless Facility or the installation, modification, or replacement of a Pole upon which a Small Wireless Facility is to be Collocated.

“Person” means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including the Municipality.

“Pole” means a vertical pole such as a utility, lighting, traffic, or similar pole made of wood, concrete, metal, or other material that is lawfully located or to be located within the ROW including, but not limited to, a replacement Pole and a Municipality Pole. A Pole shall not include a support structure or electric transmission structure.

“Rate” means a recurring charge.

“Right of Way” or “ROW” means the area through, upon, over, or under a road, highway, street, sidewalk, alley, or similar property provided; however, that such term shall apply only to property or any interest therein that is under the ownership or control of the Municipality and shall not include property or any interest therein acquired for or devoted to a federal interstate highway. For purposes of this definition, the Municipality shall be deemed to have “control” of property and interests thereon owned by the State and/or the South Carolina Department of Transportation to the extent that such property and interests are within the territorial jurisdiction of the Municipality.

“Small Wireless Facility” means radio transceivers; surface wave couplers; Antennas; coaxial or fiber optic cable located on a Pole or Support Structure, immediately adjacent to a Pole or Support Structure, or directly associated with equipment located on a Pole or Support Structure and within a one hundred-foot radius of the Pole or Support Structure; regular and backup power supplies and rectifiers; and associated ancillary equipment, regardless of technological configuration, at a fixed location or fixed locations that enable communication or surface wave communication between user equipment and a Communications Network and that meets both of the following qualifications:

(a) each Wireless Provider’s Antenna could fit within an enclosure of no more than six cubic feet in volume; and

(b) all other wireless equipment associated with the Small Wireless Facility, whether ground- or pole-mounted, is cumulatively no more than twenty-eight cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of the volume of all other wireless equipment associated with any such facility: electric meters, concealment elements, network interface devices, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

The term “Small Wireless Facility” does not include: the Pole, Support Structure, or improvements on, under, or within which the equipment is located or Collocated or to which the equipment is attached; Wireline Backhaul Facilities; or coaxial or fiber optic cable that is between Small Wireless Facilities, Poles, or Support Structures or that is otherwise not immediately adjacent to or directly associated with a particular Antenna. For purposes of this definition, in order to be considered directly associated with equipment located on a Pole or Support Structure, coaxial or fiber optic cable must not extend more than one hundred feet in radial circumference from the base of the Pole or Support Structure to which the Antenna is attached. No portion of a Small Wireless Facility may be used as a Wireline Backhaul Facility.

“State” means the State of South Carolina.

“Supplemental Review Districts” means Design Districts, Historic Districts, and Underground Districts.

“Support Structure” means a building, billboard, or any other structure in the ROW to which a Small Wireless Facility is or may be attached. A “Support Structure” shall not include an electric transmission structure or pole.

“Technically Feasible” means that by virtue of engineering or spectrum usage, the proposed placement for a Small Wireless Facility or its design, concealment measures, or site location can be implemented without a material reduction in the functionality of the Small Wireless Facility.

“Underground District” means a group of buildings, properties, or sites in which the Municipality, at least sixty days prior to the relevant Application, has required all communications and electric lines in the specified geographic area to be placed underground, and for which the Municipality maintains and enforces objective standards that are published in advance and applied on a uniform and nondiscriminatory basis. [The Underground Districts in existence or otherwise established as of the date hereof are set forth in Exhibit A hereto.]

“Wireless Infrastructure Provider” means any Person, including a Person authorized to provide telecommunications service in the State, acting to build or install wireless communication transmission equipment, Small Wireless Facilities, or Support Structures, but that is not a Wireless Services Provider.

“Wireless Provider” means a Wireless Infrastructure Provider or a Wireless Services Provider.

“Wireless Services” means any services using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public.

“Wireless Services Provider” means a Person who provides Wireless Services.

“Wireline Backhaul Facility” means an above-ground or underground wireline facility used to transport communications between a small wireless facility network interface device and a network or another small wireless network interface device.

Section 2. Purpose and Scope; General Provisions.

(a) Purpose. The purpose of this Ordinance is to provide policies and procedures for the placement of Small Wireless Facilities in ROWs within the jurisdiction of the Municipality.

(b) Scope and Intent. It is the intent of this Ordinance to establish uniform standards applicable to the application for and deployment of Small Wireless Facilities in a manner that serves the interests of the Municipality, its citizens, and the general public by advancing the following purposes:

- (1) Prevention of interference with the use of streets, sidewalks, alleys, parkways, traffic light poles or other light poles, and other public ways and places;
- (2) Prevention of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
- (3) Prevention of interference with other facilities and operations of facilities lawfully located in the ROWs or public property;
- (4) Preservation of the character of neighborhoods where facilities are installed;
- (5) Preservation of the character of and applicable land use requirements within Design Districts, Historic Districts, and Underground Districts; and
- (6) Facilitation of the rapid deployment of Small Wireless Facilities to provide the citizens with the benefits of advanced Wireless Services.

(c) Applicable only to Small Wireless Facilities. Nothing in this Ordinance limits the Municipality's powers with respect to wireless facilities that are not Small Wireless Facilities in the ROW, or Poles that are used for purposes other than installation of Small Wireless Facilities in the ROW.

(d) Right to Prevent Interference. The Municipality retains the right to require that all Small Wireless Facilities shall be operated and maintained in a manner that does not interfere with public safety (police, traffic control, fire, and emergency services) equipment.

(e) Imminent Risk to Public Safety. If the Municipality determines that a Wireless Provider's activity in the ROW pursuant to this Ordinance creates an imminent risk to public safety,

the Municipality may provide written notice to the Wireless Provider and demand that the Wireless Provider address such risk. If the Wireless Provider fails to reasonably address the risk within twenty-four hours of the written notice, the Municipality may take or cause to be taken action to reasonably address such risk and charge the Wireless Provider the reasonable documented cost of such actions.

Section 3. Permitted Use; Application Process and Fees.

(a) Permitted Use and Consent. A Wireless Provider shall have the right, as a permitted use subject to review and conditions as set forth herein, to Collocate Small Wireless Facilities and install, maintain, modify, operate, and replace Poles in the ROW. These structures and facilities must be installed and maintained so as not to create a safety hazard; obstruct or hinder the usual travel in or the public's safe use of the ROW; or obstruct the legal use of the ROW by utilities. In accordance with Article VIII, Section 15 of the State Constitution and related municipal code and ordinance provisions, the Municipality consents to the use of the ROW by Permit holders acting in compliance with this Ordinance.

(b) Permit Required.

(1) No Person shall Collocate a Small Wireless Facility or install a new, modified, or replacement Pole or Support Structure associated with a Small Wireless Facility without first filing a Small Wireless Facility Application and obtaining a Permit as set forth herein. The Municipality may require an Applicant to obtain additional permits for such activity, provided that such additional permits are of general applicability and do not apply exclusively to Small Wireless Facilities. An Applicant shall not be required to obtain or pay any fees for a building permit, as the Permit issued pursuant to this Ordinance serves as a building permit for the applicable Poles and Small Wireless Facilities. Any applications for any such additional permits, once submitted, must be acted upon within the same number of days as an Application for a Permit under this Ordinance. The Municipality shall publish and keep current a list of each additional permit that is required for the Collocation of a Small Wireless Facility or the installation of a new, modified, or replacement Pole. Any failure to comply with this subsection by a Wireless Provider shall allow the Municipality, in its sole discretion, to restore the ROW to its condition prior to the unpermitted Collocation or installation and to charge the responsible Wireless Provider its reasonable, documented cost of restoration, plus a penalty not to exceed one thousand dollars (\$1,000). The Municipality may suspend the ability of the Wireless Provider to receive any new Permits from the Municipality until the Wireless Provider has paid the amount assessed for such restoration costs; provided, however, that the Municipality shall not suspend such ability of any Applicant that has deposited the amount in controversy in escrow pending an adjudication of the merits.

(2) For deployments in ROWs under the ownership or control of the South Carolina Department of Transportation ("SCDOT"), a Wireless Provider may, in lieu of filing a formal Application hereunder, request that the Municipality evidence its approval of the proposed deployment by consenting in writing to the Wireless Provider's application for a SCDOT encroachment permit. If the Municipality consents in writing to the issuance of an SCDOT encroachment permit, it shall concurrently therewith issue a Permit consistent with such consent. In all cases, the Municipality's consent may be conditioned on compliance with the Municipality's lawful and applicable design, aesthetic, stealth, and concealment standards, and subject to the foregoing, the Municipality will not unreasonably withhold or delay its written consent. Notwithstanding the foregoing, the Wireless Provider shall retain the right to file a formal Application for a Permit hereunder, in which case the terms, conditions, and requirements of this Ordinance shall apply in full to such Application.

(c) Permit Applications. All Applications filed pursuant to this Ordinance shall be on a form, paper or electronic, as required by the Municipality. The Applicant may designate portions of its Application materials that it reasonably believes contain proprietary or confidential information as "proprietary" or "confidential" by clearly marking each page of such materials accordingly, and the Municipality shall endeavor to protect materials so designated from public disclosure to the fullest extent permitted by State law.

(d) Application Requirements. The Application shall be made by the Applicant, or its duly authorized representative as noted in a notarized statement from the Applicant, and shall contain the following:

(1) the Applicant's name, address, telephone number, and email address, including emergency contact information for the Applicant;

(2) the names, addresses, telephone numbers, and email addresses of all consultants, if any, acting on behalf of the Applicant with respect to the filing of the Application;

(3) a general description of the proposed work and the purposes and intent of the proposed facility. The scope and detail of such description shall be appropriate to the nature and character of the physical work to be performed, with special emphasis on those matters likely to be affected or impacted by the physical work proposed;

(4) detailed construction drawings regarding the proposed use of the ROW;

(5) to the extent the proposed facility involves Collocation on a Pole, Decorative Pole, or Support Structure, a structural report performed by a duly licensed engineer in South Carolina evidencing that the Pole, Decorative Pole, or Support Structure will structurally support the Collocation, or that the Pole, Decorative Pole, or Support Structure may and will be modified to meet structural requirements, in accordance with Applicable Codes;

(6) for any new aboveground facilities, visual depictions, or representations if such are not included in the construction drawings;

(7) information indicating the approximate horizontal and vertical locations, relative to the boundaries of the ROW, of the Small Wireless Facility for which the Application is being submitted;

(8) if the Application is for the installation of a new Pole or replacement of a Decorative Pole, a certification that the Wireless Provider has determined after diligent investigation that it cannot meet the service objectives of the Application by Collocating on an existing Pole or Support Structure on which:

(A) the Wireless Provider has the right to Collocate subject to reasonable terms and conditions; and

(B) such Collocation would be Technically Feasible and would not impose significant additional costs. The Wireless Provider shall certify that it has made such a determination in good faith, based on the assessment of an engineer licensed in South Carolina, and shall provide a written summary of the basis for such determination;

(9) if the Small Wireless Facility will be Collocated on a Pole or Support Structure owned by a third party, other than a Municipality Pole, a certification that the Wireless Provider has permission from the owner to Collocate on the Pole or Support Structure;

(10) an affirmation that the Applicant is, on the same date, submitting applications for the permits identified in the list the Municipality maintains pursuant to Section 3(b) of this Ordinance;

(11) any additional information reasonably necessary to demonstrate compliance with the criteria set forth in Section 4(f) of this Ordinance; and

(12) for any Applicant that is not a Wireless Services Provider, an attestation that a Wireless Services Provider has requested in writing that the Applicant Collocate the Small Wireless Facilities or install, modify, or replace the Pole at the requested location.

(e) Routine Maintenance and Replacement. An Application shall not be required for: (1) routine maintenance; (2) the replacement of Small Wireless Facilities with Small Wireless Facilities that are substantially similar or the same size or smaller; or (3) the installation, placement, maintenance, operation, or replacement of Micro Wireless Facilities that are suspended on cables that are suspended between Poles or Support Structures in compliance with Applicable Codes by a Wireless Provider that is authorized to occupy the ROW and that is remitting a consent, franchise, or administrative fee pursuant to S.C. Code Ann. § 58-9-2230. Notwithstanding the foregoing, the Municipality may require that prior to performing any activity described above, an Applicant must apply for and receive a permit for work that requires excavation or closure of sidewalks or vehicular lanes within the ROW for such activity. Such a permit must be issued to the Applicant on a nondiscriminatory basis upon terms and conditions that are consistent with Applicable Codes and that apply to the activities of any other Person in the ROW that require excavation or the closing of sidewalks or vehicular lanes.

(f) Information Updates. Any amendment to information contained in an Application shall be submitted in writing to the Municipality within ten (10) business days after the change necessitating the amendment.

(g) Consolidated Application. An Applicant seeking to Collocate Small Wireless Facilities may submit a single consolidated Application, provided that such a consolidated Application shall be for a geographic area no more than two miles in diameter and for no more than thirty Small Wireless Facilities. In such case, the Applicant may receive a single Permit for the Collocation of multiple Small Wireless Facilities. The denial of one or more Small Wireless Facilities in a consolidated Application must not delay processing of any other Small Wireless Facilities in the same consolidated Application. Solely for purposes of calculating the number of Small Wireless Facilities in a consolidated Application, a Small Wireless Facility includes any Pole on which such Small Wireless Facility will be Collocated.

(h) Application Fees. The Municipality hereby determines that the following Fees for Applications are reasonable and nondiscriminatory and do not recover more than the Municipality's direct costs for processing an Application. For each Application, the Municipality hereby imposes Fees as follows:

(1) for Applications to Collocate Small Wireless Facilities on existing Poles or Support Structures, one hundred dollars (\$100) each for the first five Small Wireless Facilities in the same Application and fifty dollars (\$50) for each additional Small Wireless Facility in the same Application;

(2) for Applications to Collocate Small Wireless Facilities on new Poles, one thousand dollars (\$1,000) for each Pole, which Fee covers both the installation of the new Pole and the Collocation on the new Pole of associated Small Wireless Facilities; and

(3) for Applications to Collocate Small Wireless Facilities on modified or replacement Poles, two hundred fifty dollars (\$250) for each Pole, which Fee covers both the modification or replacement of the Pole and the Collocation on the Pole of associated Small Wireless Facilities.

The Application Fee shall apply to a Wireless Provider regardless of whether the Wireless Provider is subject to a business license tax that is or may be imposed upon it pursuant to S.C. Code Section 58-9-2220 or a franchise, consent, or administrative fee that is or may be imposed upon it pursuant to S.C. Code Section 58-9-2230. The Application Fee shall apply to a Communications Service Provider regardless of whether the Communications Service Provider is subject to a franchise fee that is or may be imposed upon it pursuant to S.C. Code Section 58-12-330.

(i) Consultant Fees. To the extent that the Municipality engages one or more consultants to assist in review of Applications, the Municipality shall impose a Fee for such Applications to the extent permitted by, and calculated in accordance with, S.C. Code Section 58-11-850(D)(4).

Section 4. Action on Permit Application.

(a) Notice of Incompleteness. Within ten days of receiving an Application, the Municipality must determine and notify the Applicant in writing whether the Application is complete. If an Application is incomplete, the Municipality shall specifically identify the missing information in writing. The processing deadline set forth in Section 4(b) below is tolled from the time the Municipality sends the notice of incompleteness to the time the Applicant provides the missing information. The processing deadline also may be tolled by agreement of the Applicant and the Municipality, confirmed in writing.

(b) Time Requirements for Review of Applications. An Application must be processed on a nondiscriminatory basis. The following shall apply to all Applications except those for Eligible Facilities Requests, which are addressed below in Section 4(c). The Municipality shall make its final decision to approve or deny the Application within sixty (60) days of receipt of a complete Application for Collocation of Small Wireless Facilities and within ninety (90) days of receipt of a complete Application for the installation, modification, or replacement of a Pole and the Collocation of associated Small Wireless Facilities on the installed, modified, or replaced Pole. If the Municipality fails to act on an Application within the applicable time period, the Applicant may provide the Municipality written notice that the time period for acting has lapsed. The Municipality shall then have twenty (20) days after receipt of such notice to render its written decision. The Application shall be deemed to have been approved by passage of time and operation of law if the Municipality does not render its written decision within the noticed twenty (20) days. If applicable federal or State law establishes a shorter period or different requirements for action, the Municipality shall comply with

such applicable law, but the remedy for non-compliance shall be limited to the remedy established by that applicable law.

(c) Eligible Facilities Requests. If the Application is an Eligible Facilities Request, the Municipality shall approve the Application within 60 days of receipt of the Application, subject to tolling after notification of an incomplete application until the date when the Applicant submits all the documents and information identified in the notice of incompleteness. Any approval shall be operative, and any Permit issued pursuant to this subsection shall remain in effect, only for so long as federal law (47 U.S.C. § 1455) and implementing Federal Communications Commission regulations (47 C.F.R. §1.40001) provide for special approval of an Eligible Facilities Request. In approving an Eligible Facilities Request hereunder, the Municipality intends only to comply with the requirements of federal law and not to grant any property rights, interests, or consents except as compelled by federal law.

(d) Notice in Writing Required. The Municipality shall notify the Applicant in writing of its final decision. If the Application is denied, the Municipality shall specify the basis for a denial, including citations to federal, State, or local code provisions and/or statutes on which the denial was based.

(e) Right to Cure. The Applicant may cure the deficiencies identified by the Municipality and resubmit the Application within thirty (30) days of the denial without paying an additional Application Fee. The Municipality shall approve or deny the revised Application within thirty (30) days of resubmission and limit its review to the deficiencies cited in the denial. If the Municipality fails to act on a revised Application within this thirty-day period, the Applicant may provide the Municipality written notice that the time period for acting has lapsed, and the Municipality shall then have five (5) days after receipt of such notice to render its written decision approving or denying the revised Application. The revised Application shall be deemed to have been approved by passage of time and operation of law if the Municipality does not render its written decision within the noticed five (5) days.

(f) Permissible Bases for Denial. The Municipality may deny an Applicant's proposed Collocation of a Small Wireless Facility or a proposed installation, modification, or replacement of a Pole, Decorative Pole, or Support Structure only if the proposed Collocation, installation, modification, or replacement:

(1) interferes with the safe operation of traffic control or public safety equipment;

(2) interferes with sight lines or clear zones for transportation or pedestrians;

(3) interferes with compliance with the Americans with Disabilities Act or similar federal or State standards regarding pedestrian access or movement;

(4) requests that ground-mounted Small Wireless Facility equipment be located more than seven and one-half feet in radial circumference from the base of the Pole, Decorative Pole, or Support Structure to which the Antenna is to be attached, provided that the Municipality shall not deny the Application if a greater distance from the base of the Pole, Decorative Pole, or Support Structure is necessary to avoid interfering with sight lines or clear zones for transportation or pedestrians or to otherwise protect public safety;

(5) fails to comply with the height limitations permitted by this Ordinance or (if applicable) in the Design Manual, or with reasonable and nondiscriminatory horizontal spacing requirements of general application adopted by an enactment that concern the location of ground-mounted equipment and new Poles;

(6) designates the location of a new Pole, Decorative Pole, or Support Structure for the purpose of Collocating a Small Wireless Facility within seven feet in any direction of an electrical conductor, unless the Wireless Provider obtains the written consent of the power supplier that owns or manages the electrical conductor;

(7) fails to comply with Applicable Codes;

(8) fails to comply with the requirements applicable to the aesthetic, stealth, and concealment requirements contained in this Ordinance, with the requirements applicable to Supplemental Review Districts, or (if applicable) with the Design Manual;

(9) fails to comply with laws of general applicability that address pedestrian and vehicular traffic and safety requirements; or

(10) fails to comply with laws of general applicability that address the occupancy or management of the ROW and that are not otherwise inconsistent with this article.

(g) Requirement to Replace or Upgrade. The Municipality may not require a Wireless Provider to replace or upgrade an existing Pole except for reasons of structural necessity, compliance with Applicable Codes, or compliance with this Ordinance (including, if applicable, the Design Manual). A Wireless Provider may, with the permission of the Pole owner, replace or modify existing Poles, but any such replacement or modification must be consistent with the design aesthetics of the Poles being modified or replaced.

(h) Compensation. Subject to the limitations set forth herein, every Permit shall include as a condition the Applicant's agreement to pay such lawful franchise fees, business license taxes, administrative fees, and consent fees as are permitted under applicable South Carolina and federal law. The Applicant shall also pay all applicable ad valorem taxes, service fees, sales taxes, or other taxes and fees as may now or hereafter be lawfully imposed on other businesses within the Municipality.

Section 5. Requirements for Small Wireless Facilities; New, Modified, or Replacement Poles; Decorative Poles.

(a) Administrative Review. The Municipality shall perform an administrative review of Applications including the location or installation of new, modified, or replacement Poles and/or Support Structures and the Collocation of Small Wireless Facilities and equipment on Poles or Support Structures. Review factors, in addition to location, shall include the size, shape, color, texture, and materials of the structures and attachments.

(1) The Municipality may require that a proposed Small Wireless Facility or new, modified, or replacement Pole be designed to not be significantly more readily apparent or plainly visible (to a reasonable person of ordinary sensibilities) than existing facilities, structures, equipment, and Poles located within five hundred (500) linear feet on the same ROW as the subject Small Wireless Facility, Pole, or Support Structure.

(2) Where Small Wireless Facilities are determined to be appropriate, the use of reasonable stealth and concealment treatments, low-profile equipment and control boxes, and screening may be required to avoid significant negative impacts on the character and visual aesthetics of the area. However, such requirements may be waived by the Municipality upon a showing that the particular location of a Small Wireless Facility does not warrant stealth or concealment treatments or imposes an excessive expense. The waiver shall be granted or denied within forty-five (45) days after the date of the request.

(3) Supplemental Review Districts identified in Section 5(c) [and listed in Exhibit A] may be subject to a higher level of review.

(4) The Municipality may maintain a Design Manual which sets forth additional aesthetic, design, concealment, and stealth requirements applicable to Small Wireless Facilities. The Design Manual may also, but need not, set forth examples of Small Wireless Facility deployments that the Municipality deems to comply with this Ordinance and provide a means for pre-approval of designs that are suitable for a particular location, even if not strictly compliant with the design, placement, and aesthetic requirements of this Ordinance provided the design otherwise serves the goals of this Ordinance. [If the Municipality initially adopts a Design Manual: The initial form of the Design Manual is attached hereto as Exhibit B. The Design Manual may be amended from time to time by way of a duly enacted resolution.]

(b) Maximum Size of Permitted Use.

(1) New Small Wireless Facilities (including any related Antenna) in the ROW may not extend more than ten feet above an existing Pole in place as of the effective date of this Ordinance, or for Small Wireless Facilities (including any related Antenna) on a new Pole, above the height permitted for a new Pole pursuant to this section.

(2) Each new, modified, or replacement Pole installed in the ROW may not exceed the greater of ten feet in height above the tallest existing Pole in place as of the effective date of this Ordinance located within five hundred feet of the new, modified, or replacement Pole in the same ROW, or fifty feet above ground level, except in Design Districts and Historic Districts where the height limit is forty feet above ground level.

(3) For Applications to place Poles in residential zoning districts to deploy Small Wireless Facilities, the Municipality may propose an alternate location in the ROW within one hundred fifty feet of the location set forth in the Application, and the Wireless Provider shall use the Municipality's proposed alternate location unless the location is not Technically Feasible or imposes significant additional costs. The Wireless Provider shall certify that it has made such a determination in good faith, based on the assessment of an engineer licensed in South Carolina, and it shall provide a written summary of the basis for such determination.

(4) Collocation is not allowed on a Decorative Pole less than twenty feet in height.

(5) New Poles are not permitted in a corridor where there are existing Poles that can be used, modified, or replaced to allow the proposed Collocation, unless the Applicant can demonstrate that (A) it is not Technically Feasible to use, modify, or replace such existing Poles; or (B) such use, modification, or replacement would impose significant additional costs on the Wireless Provider, as certified by the Wireless Provider in good faith and based on the assessment of an engineer licensed in South Carolina along with a written summary of the basis for the certification; or (C) a new Pole may be placed in a manner that will cause no more interference with the ROW and will have no more of an impact on the overall appearance of the corridor and on adjoining properties than would the use, modification, or replacement of an existing Pole.

(c) Supplemental Review Districts. Collocated Small Wireless Facilities and new, modified, or replacement Poles or Support Structures located in Supplemental Review Districts shall be subject to the compliant provisions (as defined in the SWF Act) pertaining to design and aesthetic standards in the ordinance establishing the Supplemental Review District(s) in addition to the requirements of this Ordinance. In addition, the following rules shall apply within the Supplemental Review Districts.

(1) Underground Districts. A Wireless Provider shall comply with reasonable and nondiscriminatory requirements that prohibit the installation of Poles in the ROW in an Underground District where: (A) no less than sixty days prior to the submission of the Application, the Municipality has required all such lines to be placed underground; (B) Poles the Municipality allows to remain are made available to Wireless Providers for the Collocation of Small Wireless Facilities and may be replaced by a Wireless Provider to accommodate the Collocation of Small Wireless Facilities in compliance with this Ordinance; and (C) a Wireless Provider is allowed to install a new Pole when it is not able to provide Wireless Services by Collocating on a remaining Pole or Support Structure. Nothing in this section shall prohibit the use or replacement of existing Poles or Support Structures in Underground Districts for the Collocation of Small Wireless Facilities subject to appropriate design and concealment measures and a finding that such use or replacement does not increase the height of the Pole or Support Structure by more than three feet.

For any such Application to install a new Pole in an Underground District, the Municipality may propose an alternate location in the ROW within one hundred fifty (150) feet of the location set forth in the Application. The Wireless Provider shall use the Municipality's proposed alternate location unless the location is not Technically Feasible or imposes significant additional costs. The Wireless Provider shall certify that it has made such a determination in good faith, based on the assessment of an engineer licensed in South Carolina, and it shall provide a written summary of the basis for such determination. For Small Wireless Facilities installed before the Municipality establishes an Underground District, the Municipality shall either permit Wireless Providers to maintain the Small Wireless Facilities in place or permit the Wireless Provider to replace the associated Pole within fifty (50) feet of the prior location. In the latter case, the Wireless Provider shall allow other Communications Service Providers with attachments on the existing Pole to place those attachments on the replacement Pole under the same or reasonably similar fees, rates, terms, and conditions as applied to those attachments on the existing Pole.

(2) Historic and Design Districts. The Municipality may require reasonable, Technically Feasible, nondiscriminatory, and technologically neutral design and aesthetic requirements, stealth requirements, height limitations of no less than forty feet, and/or concealment measures in a Design District or Historic District. For Applications to place Poles in a Design District or a Historic District to deploy Small Wireless Facilities, the Municipality may propose an alternate location in the ROW within one hundred fifty (150) feet of the location set forth in the Application. The Wireless Provider shall use the Municipality's proposed alternate location unless the location is not Technically Feasible or imposes significant additional costs. The Wireless Provider shall certify that it has made such

a determination in good faith, based on the assessment of an engineer licensed in South Carolina, and it shall provide a written summary of the basis for such determination.

This section may not be construed to limit a municipality's authority to enforce historic preservation zoning regulations consistent with the preservation of local zoning authority under 47 U.S.C. Section 332(c)(7), the requirements for facility modifications under 47 U.S.C. Section 1455(a), or the National Historic Preservation Act of 1966 (54 U.S.C. Section 300101 et seq.), and the regulations adopted to implement those laws.

(d) Appeals, Administrative Adjustments, and Variance Requirements. The Zoning Administrator shall be given authority to make field based administrative adjustments considering the specific criteria in this section and location factors. Appeals of administrative decisions and requests for other variances from the provisions of this Ordinance, when strict application would result in an unnecessary hardship or in the inability to deploy needed Small Wireless Facilities, shall be heard, and decided by the Board of Zoning Appeals. An Applicant seeking an approval to construct a new Decorative Pole, Pole, or Support Structure to Collocate a Small Wireless Facility in an Underground District shall demonstrate, including certification through an engineer should staff find it necessary, that it has diligently attempted to locate the proposed Decorative Pole, Pole, Support Structure, or Small Wireless Facility outside of the Underground District and that placement of the Decorative Pole, Pole, Support Structure, or Small Wireless Facility within the Underground District is necessary to provide the needed wireless coverage or capacity, and one or more of the following conditions exist supporting an approval:

(1) No existing Pole or Support Structure is located within the location search radius or to the extent a Pole or Support Structure is located within the search radius, such Pole or Support Structure:

(A) is not available for Collocation under commercially reasonable rates, terms, and conditions;

(B) cannot accommodate the Collocation of the Small Wireless Facility and meet the technical requirements necessary to deliver adequate wireless service coverage or capacity; or

(C) would require modifications exceeding the three-foot height limitation imposed in section 5(c)(1); or

(2) The only available option to deliver adequate wireless service coverage or capacity in the search radius requires modifications to an existing Pole or Support Structure exceeding the three-foot height limitation imposed in section 5(c)(1) or the installation of a new Pole or Support Structure for Collocation of a Small Wireless Facility, or

(3) The applicant has demonstrated other circumstances that, in the reasonable discretion of the applicable review body, warrant a variance.

The Applicant shall abide by the design, stealth, and concealment treatments imposed as conditions of the approval.

(e) Existing Supplemental Review Districts. [Supplemental Review Districts approved by the Municipality as of the effective date of this Ordinance are listed in Exhibit A.] Nothing in this Ordinance shall prohibit or otherwise limit the Municipality from establishing additional Supplemental Review Districts, provided however, that facilities and structures for which a Permit was approved or deemed approved pursuant to this Ordinance prior to the establishment of the additional Supplemental Review District remain subject to the provisions of this Ordinance, including routine maintenance and replacement of those facilities and structures as set out herein. If a Wireless Provider voluntarily replaces such facilities in a manner that does not comply with Section 3(e) of this Ordinance, or if a Wireless Provider voluntarily relocates such facilities, such replacement or relocation is subject to the then-existing provisions and requirements of the additional Supplemental Review District.

(f) Decorative Poles. Subject to the Municipality's ability to deny an Application as set forth in this Ordinance, a Wireless Provider must be permitted to Collocate on or replace Decorative Poles when necessary to deploy a Small Wireless Facility.

(1) The Municipality may require the Collocation on a Decorative Pole or the replacement of a Decorative Pole to reasonably conform to the design aesthetics of the original Decorative Pole, provided these requirements are Technically Feasible.

(2) For Applications to Collocate Small Wireless Facilities on Decorative Poles or to replace Decorative Poles to deploy Small Wireless Facilities, the Municipality may propose an alternate location in the ROW within one hundred fifty feet of the location set forth in the Application. The Wireless Provider shall use the Municipality's proposed alternate location unless the location is not Technically Feasible or imposes significant additional costs. The Wireless Provider shall certify that it has made such a determination in good faith, based on the assessment of an engineer licensed in South Carolina, and it shall provide a written summary of the basis for such determination.

(g) Repair of Damage. A Wireless Provider shall repair all damage to the ROW directly caused by the activities of the Wireless Provider in the ROW and shall restore the ROW to its condition before the damage occurred. If within thirty (30) calendar days after written notice the Wireless Provider fails to the extent practicable in the reasonable judgment of the Municipality to restore the ROW to its condition prior to the damage in compliance with this subsection, the Municipality may, at the sole discretion of the Municipality, restore the ROW to such condition and charge the applicable party the reasonable, documented cost of the restoration, plus a penalty not to exceed five hundred dollars (\$500) provided; however, that the Wireless Provider may request additional time to make such repairs, and the Municipality shall not unreasonably deny such a request. The Municipality may suspend the ability of the Wireless Provider to receive any new Permits from the Municipality until the Wireless Provider has paid the amount assessed for such restoration costs. The Municipality shall not suspend such ability of any Applicant that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute.

Section 6. Effect of Permit; Occupancy and Use Fees.

(a) Authority Granted: No Property Right or Other Interest Created. A Permit from the Municipality authorizes an Applicant to undertake only certain activities in accordance with this Ordinance and does not create a property right or grant any authority whatsoever to the Applicant to impinge upon the rights of others who may already have an interest in the ROW. The approval of the installation, placement, maintenance, or operation of a Small Wireless Facility pursuant to this Ordinance neither constitutes an authorization nor affects any authorization a Wireless Provider may have to provide a Communication Service or to install, place, maintain, or operate any other Communications Facility, including a Wireline Backhaul Facility, in a ROW.

(b) Duration. Installation or Collocation for which a Permit is granted pursuant to this Ordinance must be completed within one year of the Permit issuance date unless the Municipality and the Applicant agree to extend this period, or a delay is caused by the lack of commercial power or by the lack of Communications Facilities to be provided to the site by an entity that is not an affiliate, as that term is defined in 47 U.S.C. Section 153(2), of the Applicant. Approval of an Application authorizes the Applicant to: (1) undertake the installation or Collocation; and (2) subject to applicable relocation requirements and the Applicant's right to terminate at any time, operate and maintain the Small Wireless Facilities and any associated Pole covered by the Permit for a period of ten years, which may be renewed for equivalent durations so long as the installation or Collocation is in compliance with the criteria set forth in this Ordinance and the Permit. Any conditions contained in a Permit, including without limitation conditions designed to reduce the visibility of the Small Wireless Facility and associated Pole, or to make any portion of the same appear to be something other than a Small Wireless Facility, shall apply for the entirety of the Permit term and shall include a duty to maintain and replace components as necessary to ensure continued compliance.

(c) Occupancy and Use Fees. The Municipality hereby determines that the following Rates for occupancy and use are reasonable and nondiscriminatory. For each Small Wireless Facility, the Municipality hereby imposes the following Rates:

(1) one hundred dollars (\$100) per year for each Small Wireless Facility Collocated on any existing or replacement Pole, including an existing or replacement Municipality Pole; and

(2) two hundred dollars (\$200) per year for each Small Wireless Facility Collocated on a new Pole, other than a replacement Pole, which two-hundred-dollar (\$200) Rate shall cover the new Pole and the Small Wireless Facility Collocated on it.

These Rates shall apply to a Wireless Provider regardless of whether the Wireless Provider is subject to a business license tax that is or may be imposed upon it pursuant to S. C. Code Section 58-9-2220 or a franchise, consent, or administrative fee that is or may be imposed upon it pursuant to S.C. Code Section 58-9-2230. These Rates shall apply to a Communications Service Provider regardless of whether the Communications Service Provider is subject to a franchise fee that is or may be imposed upon it pursuant to S.C. Code Section 58-12-330.

Section 7. Removal, Relocation or Modification of a Small Wireless Facility in the ROW.

(a) Widening, Repair, Reconstruction, and Relocation. If, in the reasonable exercise of police powers, the Municipality requires widening, repair, reconstruction, or relocation of a public road or highway, or relocation of Poles, Support Structures, or Small Wireless Facilities as a result of a public project, a Wireless Provider shall relocate Poles and Support Structures that such Wireless Provider has installed in the ROW for the Collocation of Small Wireless Facilities pursuant to this Ordinance at no cost to the Municipality if such Poles and Support Structures are found by the Municipality to unreasonably interfere with the widening, repair, reconstruction, or relocation project or the public project. If widening, repair, reconstruction, or relocation is required as a condition or result of a project by a Person other than the Municipality, such Person shall bear the cost of relocating such Poles or Support Structures and any Communications Facilities on such Poles or Support Structures.

(b) Emergency Removal or Relocation of Facilities. The Municipality retains the right to cut or move any Small Wireless Facility, Pole, or Support Structure located within the ROW as the Municipality, in its reasonable discretion, may determine to be necessary, appropriate, or useful in response to any public health or safety emergency. If circumstances permit, the Municipality shall notify the Wireless Provider and provide opportunity to move its own Small Wireless Facilities, Poles, or Support Structures prior to the Municipality cutting or removing a Small Wireless Facility, Pole, or Support Structure and the Municipality shall notify the Wireless Provider after cutting or removing a Small Wireless Facility.

(c) Abandonment of Facilities. The Applicant or the Person that owns or operates the Small Wireless Facility Collocated in the ROW may remove its Small Wireless Facilities at any time from the ROW upon not less than thirty (30) days' prior written notice to the Municipality and may cease paying to the Municipality any applicable Fees and Rates for such use, as of the date of the actual removal of the Small Wireless Facilities. In the event of such removal, the ROW shall be, to the extent practicable in the reasonable judgment of the Municipality, restored to its condition prior to the removal. If the Applicant fails, to the extent practicable in the reasonable judgment of the Municipality, to return the ROW to its condition prior to the removal within ninety (90) days of the removal, the Municipality may, at the sole discretion of the Municipality, restore the ROW to such condition and charge the Applicant the Municipality's reasonable, documented cost of removal and restoration, plus a penalty not to exceed five hundred dollars (\$500). The Municipality may suspend the ability of the Applicant to receive any new Permits from the Municipality until the Applicant has paid the amount assessed for such restoration. The Municipality shall not suspend such ability of any Applicant that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute.

(d) Abandonment by Inaction. At any point when a Wireless Provider fails to pay any required Fee or Rate, and fails to respond within sixty (60) days to a written inquiry from the Municipality as to whether the Wireless Provider intends to continue to operate a Small Wireless Facility or Support Structure, for whatever reason, the Small Wireless Facility shall be deemed abandoned and the Municipality may, at its sole option, remove all or any portion of the Small Wireless Facility or Support Structure, or take other action as authorized by law, including recovery of actual costs incurred in removing the Small Wireless Facility or Support Structure.

Section 8. Attachment to Municipality Poles.

(a) Annual Rate. The rate to Collocate a Small Wireless Facility on a Municipality Pole shall be fifty dollars (\$50) per year. This rate is in addition to reimbursement to the Municipality for any expenses for make-ready work. The Municipality reserves the right to require a pole attachment agreement to further define the terms and conditions of attachments to Municipality Poles. The rates specified in this section shall not apply to poles owned, or operated and accounted for as an asset of, a municipal electric utility.

(b) Make-Ready. The Rates, Fees, terms, and conditions for make-ready work to Collocate on a Municipality Pole must be nondiscriminatory, competitively neutral, commercially reasonable, and in compliance with this Ordinance.

(1) The Municipality shall provide a good faith estimate for any make-ready work necessary to enable the Pole to support the requested Collocation by a Wireless Provider, including Pole replacement if necessary, within sixty (60) days after receipt of a complete Application. Alternatively, the Municipality may require the Wireless Provider to perform the make-ready work and notify the Wireless Provider of such within the sixty-day period. If the Wireless Provider or its contractor performs the make-ready work, the Wireless Provider shall indemnify the Municipality for any negligence by the Wireless Provider or its

contractor in the performance of such make-ready work and the work shall otherwise comply with applicable law.

(2) Make-ready work performed by or on behalf of the Municipality, including any Pole replacement, must be completed within sixty (60) days of written acceptance of the good faith estimate by the Applicant. The Municipality may require replacement of the Municipality Pole only if it demonstrates that the Collocation would make the Municipality Pole structurally unsound.

(3) The Person owning, managing, or controlling the Municipality Pole must not require more make-ready work than required to meet Applicable Codes or industry standards. Fees assessed by or on behalf of a Municipality for make-ready work, including any Pole replacement, must not include costs related to preexisting or prior damage or noncompliance; exceed either actual costs or the amount charged to other Communications Service Providers for similar work on similar types of Municipality Poles; or include any revenue or contingency-based consultant's fees or expenses of any kind.

(4) A Wireless Provider Collocating on a Municipality Pole is responsible for reimbursing third parties for their actual and reasonable costs of any make-ready work reasonably required by the third party to accommodate the Collocation.

(c) Municipal Utilities Excluded. Nothing in this section shall be construed to affect the authority of a municipal electric utility to deny, limit, restrict, or determine the Rates, Fees, terms, and conditions for the use of or attachment to a Pole owned, or operated and accounted for as an asset of, a municipal electric utility.

(e) Non-Exclusivity; Non-Discrimination. A Person owning, managing, or controlling Municipality Poles in the ROW may not enter into an exclusive arrangement with any Person for the right to attach to such poles. Subject to a Municipality's ability to deny an Application as set forth in this Ordinance, a Municipality shall allow the Collocation of Small Wireless Facilities on Municipality Poles on nondiscriminatory terms and conditions in compliance with this Ordinance.

Section 9. Indemnification, Insurance, and Bonds.

(a) Indemnity. With regard to Small Wireless Facilities, Poles, and Support Structures that are subject to this Ordinance, the Wireless Provider shall indemnify and hold the Municipality and its officers and employees harmless against any claims, lawsuits, judgments, costs, liens, losses, expenses, or fees, to the extent that a court of competent jurisdiction finds that the negligence of the Wireless Provider while siting, installing, maintaining, repairing replacing, relocating, permitting, operating, or locating Small Wireless Facilities, Poles, and Support Structures pursuant to this Ordinance caused the harm.

(c) Insurance. The Municipality may require a Wireless Provider to have in effect insurance coverage consistent with this section, so long as the Municipality imposes similar requirements on other ROW users and such requirements are reasonable and nondiscriminatory. The Municipality may require a Wireless Provider to furnish proof of insurance prior to the effective date of a Permit. The Municipality may not require a Wireless Provider to obtain insurance naming the Municipality or its officers and employees as additional insureds.

(c) Bonds. The Municipality may impose bonding requirements for Small Wireless Facilities if the Municipality imposes similar requirements in connection with permits issued for other ROW users. Such bonds may provide for the removal of abandoned or improperly maintained Small Wireless Facilities, including those that the Municipality determines must be removed to protect public health, safety, or welfare; restoration of the ROW; and recoupment of Rates or Fees that have not been paid by a Wireless Provider in over twelve months. Bonding requirements may not exceed two hundred dollars (\$200) per Small Wireless Facility. For Wireless Providers with multiple Small Wireless Facilities within the Municipality, the total bond amount across all facilities may not exceed ten thousand dollars (\$10,000) and that amount may be combined into one bond instrument.

Section 10. Severability.

In the event any title, subtitle, section, subsection, subdivision, paragraph, subparagraph, item, sentence, clause, phrase, or work of this Ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of the Ordinance which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of this Ordinance.

Section 11. Effective Date.

This Ordinance shall take effect (xxx) days after adoption.

All ordinances in conflict with this ordinance are hereby repealed.

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

INTRODUCED the 8TH day of June 2021.

DONE the ____ day of July 2021.

Mayor Gregory S. Habib

Attest: _____
Kelly J. Lovette, MMC, City Clerk

Mayor Pro Tem Jerry Tekac

Councilmember Debra Green-Fletcher

Councilmember Corey McClary

Councilmember Gayla S.L. McSwain

Councilmember Hannah J. Cox

Councilmember Melissa Enos

Exhibit A

Existing Supplemental Review Districts

1. Underground District – City of Goose Creek Code Title IX, Chapter 92 – (Streets, Sidewalks, and other Public Property)

Exhibit B

Design Manual

*City of Goose Creek Small Wireless Design Manual

** The Design Manual may be amended from time to time by way of a duly enacted resolution.

EXHIBIT B

SMALL WIRELESS DESIGN MANUAL



City of Goose Creek Small Wireless Design Manual

www.cityofgoosecreek.com

JUNE 2021





1. BACKGROUND AND PURPOSE

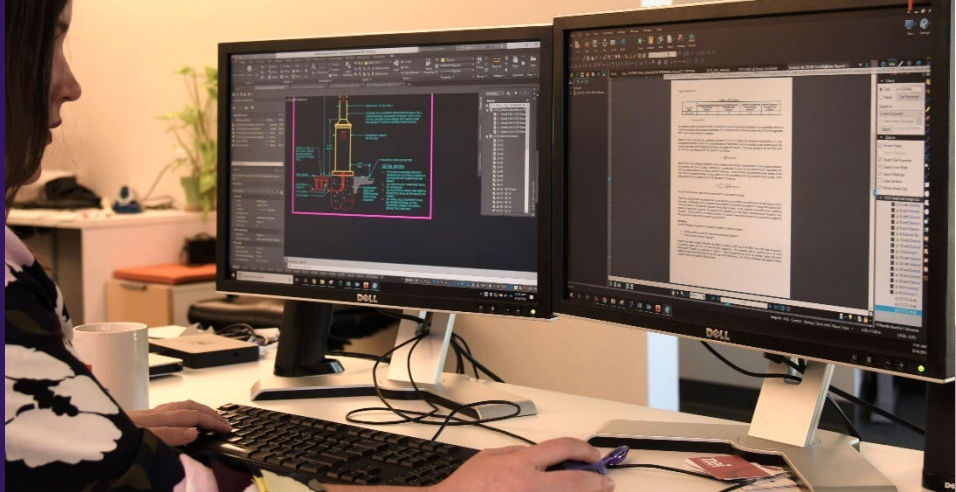
The City of Goose Creek recognizes that Small Wireless Facilities, including facilities commonly referred to as small cell, are critical to delivering wireless access to advanced technology, broadband, and 911 services to residences, businesses, and schools within the City.

To prepare for the current and future needs in effective and efficient deployment, the City of Goose Creek provides guidelines in conjunction with applicable code of ordinances.

It is the intent that flexibility be provided when considering options for installation of small wireless infrastructure. The given examples of types of facilities/poles/attachments are for illustrative purposes only. The City recognizes that certain proprietary and technological advancements and equipment may vary with providers and owners. As such, each request for specific installation shall be considered on a case by case basis as to the final design and placement location.

This manual establishes guidance for installing small wireless equipment and poles in the City of Goose Creek.

2



General guidance applicable to all small cell installations.

2. GENERAL GUIDANCE

All small cell wireless facility attachments or installations shall be reviewed by City staff. All equipment shall meet the manual requirements and all applicable laws. A cohesive appearance shall be maintained with placement. The Zoning Administrator reserves the right to approve deviations on a case by case basis in concert with the intent of the manual.

*Aesthetic Criteria

Consideration shall be given to the aesthetics of neighborhoods and streetscapes adjacent to the proposed site - both existing and planned redevelopment with the following considerations:

✓ Emulates an architectural or landscape feature typical of, or appropriate to, the surrounding area

✓ Respects and, to the extent possible, compliments the style, height, bulk mass, material, and color of existing buildings, structures, vegetation, and uses within the surrounding area



✓ Preserves existing vegetation and scenic view sheds

✓ Respects existing topography, including minimizing the extent to which the proposed structure would be a dominant feature

✓ Conceals conduit internally and streamlines antenna and equipment

✓ Cantenna (top portion) shall include a smooth transition between riser pole and attachment

✓ Matches the color of the antenna and equipment with existing poles, buildings, and background

✓ Uses decorative metal or fiberglass supports consistent with the redevelopment or aesthetics effort of the area

✓ Small cells shall not be located in front of adjacent building doorways, accessible balconies, or primary windows and shall be located in a manner that considers view plane enjoyment of adjacent properties.

✓ Reasonable efforts shall be made to co-locate on existing poles or other structures.

Where particular requirements are technically infeasible, an applicant should work with City staff in order to discuss a mutually acceptable design that adheres to the standards as much as possible, serves the goals of the design manual to the extent possible, and at all times remaining within the bounds of applicable law.



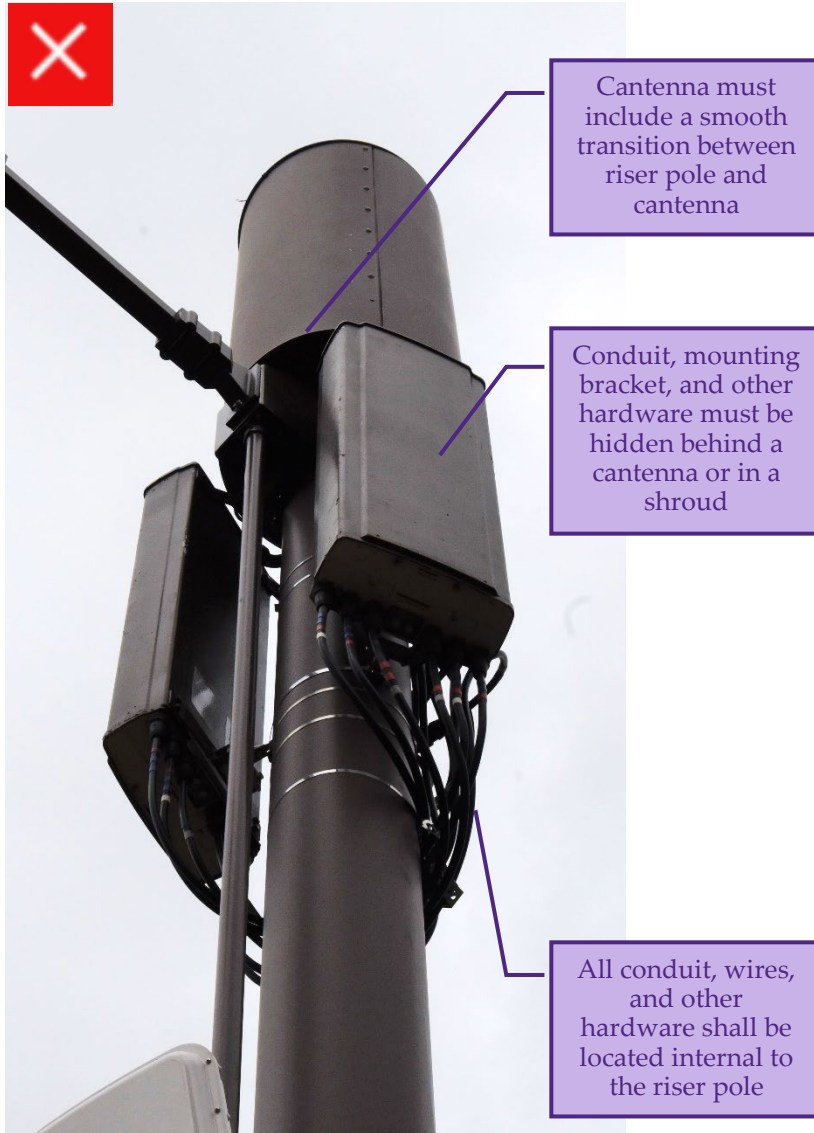
Unacceptable Installation



Acceptable Installation



Unacceptable Installation



Acceptable Installation



Freestanding small wireless pole components include foundation, equipment cabinet, riser pole, antenna, permitted external shroud, and all hardware and electrical equipment necessary for a complete assembly.

The optional exterior mounted equipment shroud will be allowed when equipment cannot be located internal to the riser pole. To qualify for this, the Applicant must demonstrate that proposed deployment(s) cannot be integrated into the equipment cabinet or the antenna. Existing wooden pole installations shall be evaluated on location and reasonable design capabilities.

The exterior mounted equipment shroud shall match the pole aesthetics. Care should be taken to integrate the mounting attachments into the enclosure design. The enclosure shall be securely strapped to the pole. Wires and cabling shall be hidden from view. Cables and wires shall be located internal to the pole until they reach a cable grommet.

3

SPECIFICATIONS

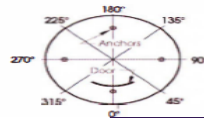
- POST**
 North Yorkshire Series Cast Iron & Steel Post 17" Dia. Base
 • Z NY 2117 CIS BK
- CROSSARM**
 BHC Series Crossarm : Oriented at 0 degrees.
 • BHC4&1 CA BK -GWLF/200 SCA R
- ARM LUMINAIRE**
 Esplanade® Style Luminaire
 • ESU 400MH MA B 4 SS

- INSTALLATION**
 A door shall be provided in the base for anchorage and/or wiring access.
 • 12"Ø bolt circle.

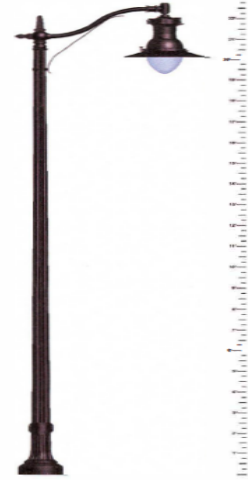
- Dimensions**
 • Overall Street Lamp Height: 22'-8.3"

Wind Loads
 Windloading for this post and accessories has been checked for the 90 mph winds where the post will be installed and has passed.

Anchorage/Orientation Plan
 Street Side



ESPLANADE® STYLE LUMINAIRE
BOSTON HARBOUR
NORTH YORKSHIRE 17



Design Catalogue

3. Approved Design

It is the intent of the manual to catalogue approved plans to assist in rapid deployment. Providers are encouraged to work with staff to achieve this goal. The City of Goose Creek reserves the right to accept or amend plans based on location, design, and development efforts.



BERKELEY ELECTRIC COOPERATIVE

Your Touchstone Energy® Partner

Typical Example of Black Decorative Pole Type in Goose Creek, SC

Catalog Number Z NY 2117 CIS BK BHC48/1 CA BK -GWLF/200
SCA R ESU 400MH MA B 4 SS

Notes	Type
-------	------

SPECIFICATIONS

POST

North Yorkshire Series Cast Iron & Steel Post 17" Dia. Base
• Z NY 2117 CIS BK

CROSSARM

BHC Series Crossarm ; Oriented at 0 degrees.
• BHC48/1 CA BK -GWLF/200 SCA R

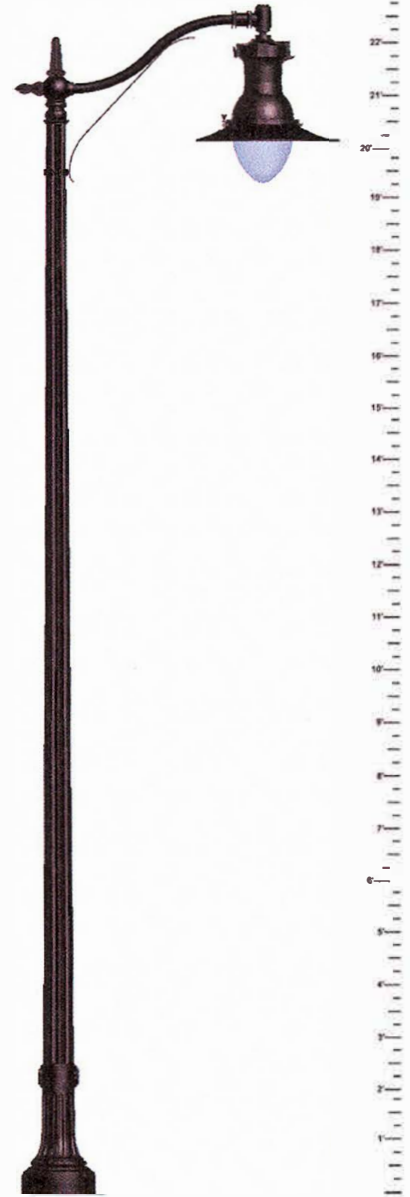
ARM LUMINAIRE

Esplanade® Style Luminaire
• ESU 400MH MA B 4 SS

INSTALLATION

A door shall be provided in the base for anchorage and/or wiring access.
• 12"Ø bolt circle.

ESPLANADE® STYLE LUMINAIRE BOSTON HARBOUR NORTH YORKSHIRE 17



Dimensions

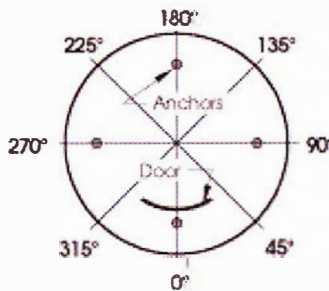
- Overall Street Lamp Height: 22'-8.3"

Wind Loads

Windloading for this post and accessories has been checked for the 90 mph winds where the post will be installed and has passed.

Anchorage/Orientation Plan

Street Side



Customer Approval: _____

Job Name: _____

Client Name: _____

sig nature

date

Created By: Mark Lybrand

Date: 05-Jun-09

Catalog #Z NY 2117 CIS BK BHC48/1 CA BK -GWLF/200
SCA R ESU 400MH MA B 4 SS

Dwg. # HLP-10185



Request for City Council Agenda Item

To: Natalie Zeigler, City Administrator, Mayor and City Council

From: Brian Cook, Asst. City Administrator

Please check one box

Regular Meeting

Special Meeting

Work Session

Please check one box, if applicable

Ordinance

Resolution

Proclamation

Request to
Purchase

Ordinance/Resolution Title

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF GOOSE CREEK, SOUTH CAROLINA, BY AMENDING THE TITLE TO CHAPTER 92, STREETS, SIDEWALKS, AND OTHER PUBLIC PROPERTY; AND BY ADDING A NEW SUBSECTION (D), UNDERGROUND DISTRICT - (Second and Final Reading of a Public Hearing)

Background Summary

To add a new section to further clarify efforts towards orderly development which generally requires utility services to be placed underground.

Financial Impact

None

Impact if denied

Less guidance for orderly development with utilities underground

Impact if approved

Better guidance for orderly development with utilities underground

Department Head:

City Administrator:

Signature & Date

Signature & Date

AN ORDINANCE

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF GOOSE CREEK, SOUTH CAROLINA, BY AMENDING THE TITLE TO CHAPTER 92, STREETS, SIDEWALKS, AND OTHER PUBLIC PROPERTY; AND BY ADDING A NEW SUBSECTION (D), UNDERGROUND DISTRICT

WHEREAS, the Mayor and City Council have recognized the necessity of updating the Zoning Ordinance by adding a new subsection, (D) Underground District, to further clarify efforts towards orderly development which generally requires utility services to be placed underground; and

WHEREAS, the Mayor and City Council believe it is in the best interest of the City to now so act with making these amendments in the Zoning Ordinance in order to provide good planning and zoning practices, and to provide for better guidance for orderly development with utilities underground.

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 Section 92.35 of the Zoning Ordinance of the City of Goose Creek, South Carolina, be hereby amended as follows.

Section. 92.35 Restoration of Surface; Relocation of Equipment; Underground District

(D) Underground District. To promote and contribute to the safety of the public, appearance, and to assure orderly development, all facilities for the supply and distribution of electric energy, television cable, gas, telephone, data, or similar utility services, for all construction, infrastructure deployment and land development, shall, except as otherwise provided under applicable laws and regulations, be placed underground. The Director of Public works, or designee, in consultation with the Zoning Administrator, reserve the right to consider site specific exceptions based on field conditions.

All ordinances in conflict with this ordinance are hereby repealed.

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

INTRODUCED the 8th day of June 2021.

DONE the _____ day of July 2021.

Mayor Gregory S. Habib

Attest: _____
Kelly J. Lovette, MMC, City Clerk

Mayor Pro Tem Jerry Tekac

Councilmember Debra Green-Fletcher

Councilmember Corey McClary

Councilmember Gayla S.L. McSwain

Councilmember Hannah J. Cox

Councilmember Melissa Enos

**§ 92.35 RESTORATION OF SURFACE; RELOCATION OF EQUIPMENT;
UNDERGROUND DISTRICT.**

(A) *Restoration.* In case of any disturbance of pavement, sidewalk, driveway, ornamental vegetation or other surfaces by the utility pursuant to its use of the public streets, public properties and public rights-of-way, the utility shall, at its own cost and expense, and in a manner approved by the City Engineer, replace and restore all paving, sidewalk, driveway or surface of any street or alley disturbed in as good condition as before the work was commenced, in a safe and sound condition, and shall maintain the restoration in an improved condition for a period of five years.

(B) *Relocation and removal.* Utilities using the public streets, public property or public rights-of-way pursuant to this chapter shall, at their own expense and at the direction of the city, relocate and remove their appliances, fixtures or equipment at any time public necessity requires the relocation or removal because of the appliances, fixtures or equipment unreasonably interfering with or restricting the effective or safe use of the public street, public property or public right-of-way.

(C) *Removal or existing facilities.* Any poles, wires, cables, underground conduits, manholes, pipes or other fixtures or equipment erected or located by persons in, along, across, above, over and under the public streets, public properties or public rights-of-way of the city, prior to the effective date of the ordinance from which this chapter is derived, must have been removed within three months after the effective date of the ordinance unless the utility shall have obtained permission for use of the public streets, public properties or public rights-of-way prior thereto in accordance with the terms of this chapter.

(D) *Underground District.* To promote and contribute to the safety of the public, appearance, and to assure orderly development, all facilities for the supply and distribution of electric energy, television cable, gas, telephone, data or similar utility services, for all construction, infrastructure deployment and land development, shall, except as otherwise provided under applicable laws and regulations, be placed underground. The Director of Public works, or designee, in consultation with the Zoning Administrator, reserve the right to consider site specific exceptions based on field conditions.



Request for City Council Agenda Item

To: Natalie Zeigler, City Administrator; Mayor and Members of City Council

From: Brian Cook, Asst. City Administrator

Please check one box

Regular Meeting

Special Meeting

Work Session

Please check one box, if applicable

Ordinance

Resolution

Proclamation

Request to Purchase

Ordinance/Resolution Title

AN ORDINANCE DECLARING A MORATORIUM ON THE ISSUANCE OF NEW BUSINESS LICENSES, PERMITS FOR EXPANSION, AND/OR CERTIFICATES OF OCCUPANCY FOR USED AUTOMOBILE-VEHICLE SALES AND/OR REPAIR-SERVICE SHOPS IN CERTAIN AREAS OF THE CITY OF GOOSE CREEK (Introduction and First Reading of a Public Hearing)

Background Summary

With the recently adopted Comprehensive Plan, and current evaluation of a new zoning code and area specific overlay districts, the moratorium will permit time to establish desirable minimum standards, where the use will be permitted, for used automobile - other vehicle sales and/or repair shops.

The moratorium would be applicable only within the two areas that City Council has previously designated as incentive areas - with the goal to attract such uses as full-service restaurants, retail, tourism businesses, cultural arts activities, research and development, technology companies, etc.

The Zoning Administrator has expressed concerns relative to the potential for a concentration or proliferation of automobile centric uses in the incentive areas as an impediment to balanced commercial development and betterment of the area.

Records indicate approximately the following number of specific business uses in the subject area: (21) auto related; (4) liquor (2) beer-tobacco specific; (2) e-cigarette- vape; (2) title loan. Staff recommends only the auto-centric uses be part of the moratorium at this time.

Financial Impact

Minimal.

Impact if denied

Potential for a concentration or proliferation of automobile centric uses.

Impact if approved

Time to plan for desirable redevelopment options. The moratorium would not apply to existing legally established businesses unless the use were to be expanded.

Department Head:

City Administrator:

Signature & Date

Signature & Date

AN ORDINANCE

AN ORDINANCE DECLARING A MORATORIUM ON THE ISSUANCE OF NEW BUSINESS LICENSES, PERMITS FOR EXPANSION, AND/OR CERTIFICATES OF OCCUPANCY FOR USED AUTOMOBILE-VEHICLE SALES AND/OR REPAIR-SERVICE SHOPS IN CERTAIN AREAS OF THE CITY OF GOOSE CREEK.

WHEREAS, the Mayor and City Council passed a new Comprehensive Plan in May 2021, and are currently working on options for a new or amended Zoning Ordinance and corridor specific development-redevelopment overlay districts; and,

WHEREAS, the Mayor and City Council are concerned about development use compatibility and a concentration and proliferation of automobile-vehicle centric uses as an impediment to balanced commercial development, and would like time to establish desirable minimum standards; and,

WHEREAS, the Mayor and City Council believe it is in the best interest of the City to now so act to provide good planning and zoning practices, and to provide for better guidance for orderly development.

NOW, THEREFORE BE IT ORDAINED and ordered by the Mayor and City Council of the City of Goose Creek, South Carolina:

Section 1. MORATORIUM. The City of Goose Creek hereby declares a moratorium on the issuance of new business licenses, permits for expansion, and/or certificates of occupancy for used automobile-vehicle sales and/or repair-service shops in the basic and super incentive areas that have been previously designated by City Council – generally, the corridors of Red Bank Road, and portions of N/S Goose Creek Boulevard, and St. James Avenue. This moratorium shall take effect as established in Section 4 and shall remain in effect until July 29, 2022, with an option for a six-month extension. If Council adopts amendments to the Zoning Ordinance addressing standards and conditions for used automobile-vehicle sales and/or repair-service shops before the end date, the moratorium shall expire.

Section 2. Severability. Severability is intended throughout and within the provisions of this Ordinance. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

Section 3. Repeal. All ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with its provisions, are hereby repealed or superseded to the extent necessary to give this Ordinance full force and effect.

Section 4. Effective Date. This Ordinance is subject to the pending ordinance doctrine and is effective upon its introduction and notice of Public Hearing.

INTRODUCED the 13th day of July 2021.

DONE the _ day of August 2021.

Mayor Gregory S. Habib

Attest: _____
Kelly J. Lovette, MMC, City Clerk

Mayor Pro Tem Jerry Tekac

Councilmember Debra Green-Fletcher

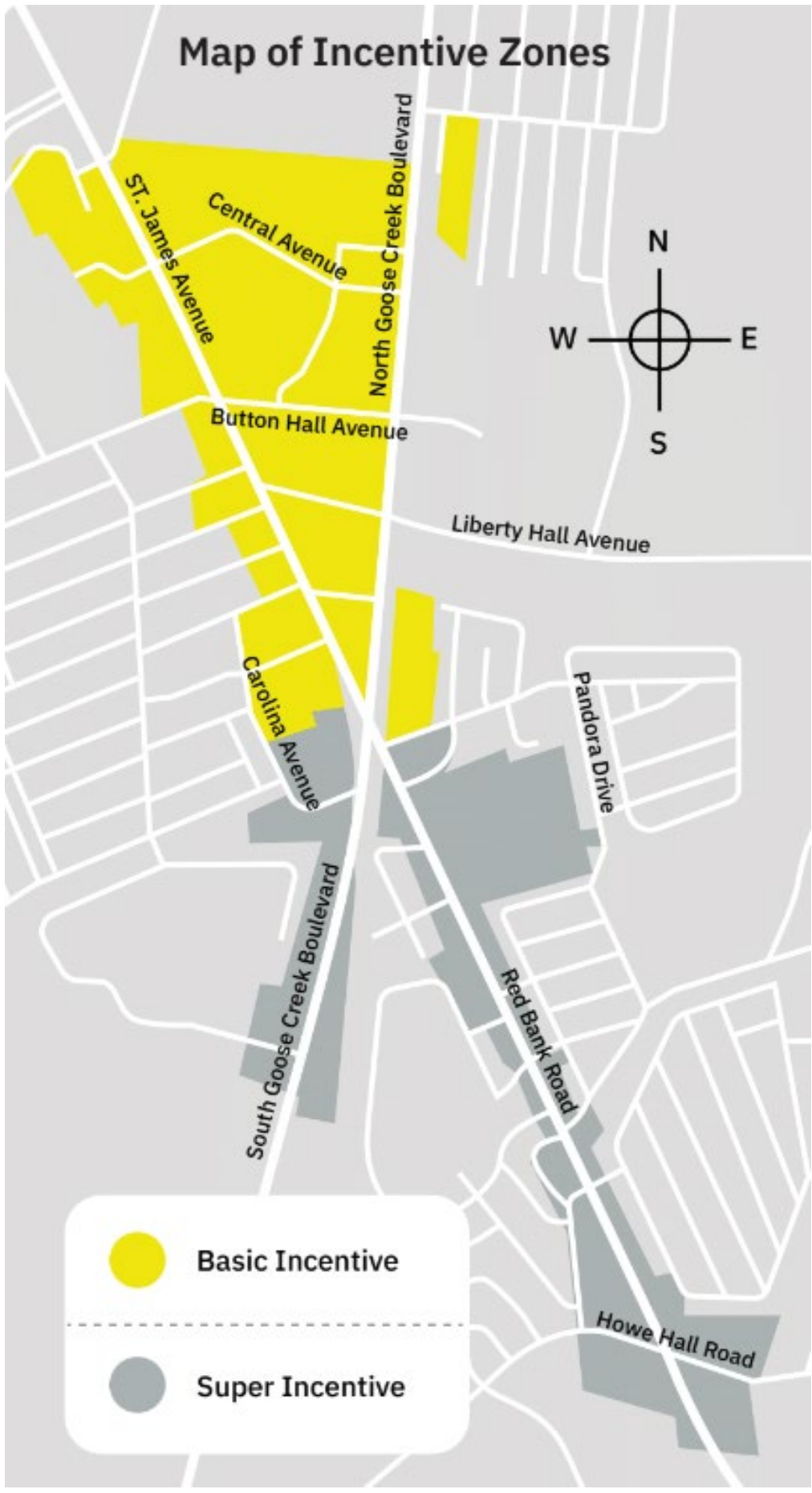
Councilmember Corey McClary

Councilmember Gayla S.L. McSwain

Councilmember Hannah J. Cox

Councilmember Melissa Enos

Map of Incentive Zones



-  Basic Incentive
-  Super Incentive



Request for City Council Agenda Item

To: Mayor and City Council

From: Natalie Zeigler

Please check one box

Regular Meeting

Special Meeting

Work Session

Please check one box, if applicable

Ordinance

Resolution

Proclamation

Request to
Purchase

Ordinance/Resolution Title

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF GOOSE CREEK, SOUTH CAROLINA BY REVISING AND MAKING CHANGES TO CHAPTER 37 ELECTIONS, SECTION 37.03 WHEN ELECTIONS TO BE HELD (Introduction and First Reading of a Public Hearing)

Background Summary

I received a request to add this to a workshop agenda. This has now been discussed at two workshops and was moved to the Council meeting for discussion and consideration.

Financial Impact

Impact if denied

Election remains with General Elections in November of even years.

Impact if approved

Elections move to the recommended municipal election day in November of odd years which is in alignment with most major cities in South Carolina.

November of ODD Years

Charleston

North Charleston

Columbia

Greenville

Summerville

Greer

Rock Hill

Mount Pleasant

Spartanburg

Myrtle Beach

Moncks Corner

Department Head:

City Administrator:

Signature & Date

Signature & Date

CHAPTER 37: ELECTIONS

Section

- 37.01 Municipal election authority
- 37.02 Reimbursement of election costs
- 37.03 When elections to be held
- 37.04 Special elections
- 37.05 Polling place, location and time open and closed
- 37.06 Non-partisan election procedure
- 37.07 Determination of election results under non-partisan plurality method
- 37.08 Time of taking office
- 37.09 Terms of Mayor and Council
- 37.10 Listing of candidates on ballot
- 37.11 Results of elections
- 37.12 Safeguarding the ballots
- 37.13 Contest of election
- 37.14 Later election in case of failure to hold when due, and the like

§ 37.01 MUNICIPAL ELECTION AUTHORITY.

(A) The Berkeley County Voter Registration and Election Commission shall advertise municipal elections, prepare and distribute ballots and election materials, appoint managers of election for each polling place, and otherwise supervise and conduct all municipal elections within the City of Goose Creek.

(B) Immediately upon the closing of the polls at any municipal election in the City of Goose Creek, the Berkeley County Voter Registration and Election Commission shall begin to count and continuously count the votes cast and make a statement of the whole number of the votes cast in such election together with the number of votes cast for each candidate for Mayor and Councilperson, canvas the vote and publicly display the unofficial results.

(C) The Berkeley County Voter Registration and Election Commission shall thereafter certify the results of the elections and transmit the certified results to the Goose Creek City Council or an appointed authority representing the city government as soon as practicable following the certification.

(D) The Berkeley County Voter Registration and Election Commission shall accept candidate filings and filing fees, including but not limited to notices of candidacy and candidacy pledges, hear and decide protests, and certify the results of municipal elections.

(E) The Berkeley County Voter Registration and Election Commission shall utilize the current voting system operated by the county with the count publicly conducted.

(F) The Berkeley County Voter Registration and Election Commission shall take such other action as may be necessary or appropriate to conduct municipal elections and certify the results. The Berkeley County Voter Registration and Election Commission shall give notice of any special or regular election in the city in a newspaper of general circulation in the county or, in addition, in such other manner as it sees fit. Notice of election for Mayor and Council shall be given at least 60 days prior to the date of election. All other elections

shall be given as provided by the code of laws of the state. Notice shall include all necessary information essential to the nomination or election process, to include, when appropriate, the offices to be filled, dates of filing of petitions and election, and polling place and poll manager.

(Ord. 09-006, passed 10-13-2009)

§ 37.02 REIMBURSEMENT OF ELECTION COSTS.

(A) The City of Goose Creek shall reimburse the Berkeley County Voter Registration and Election Commission for all costs incurred in providing ballots, advertising elections, printing costs, postage, transportation costs, temporary help, programming charges, poll managers compensation and other related additional expenses incurred in its conduct of municipal elections in the City of Goose Creek, less filing fees collected by the Berkeley County Voter Registration and Election Commission. If a protest is filed or litigation is commenced in connection with the conduct of municipal elections, the City of Goose Creek shall pay all court costs, attorneys' fees, court reporters' fees and costs, and other costs and expenses incurred in such protest or litigation or the defense thereof. The Berkeley County Registration and Election Commission shall provide invoices to the City of Goose Creek of all such costs and expenses incurred in the conduct of Goose Creek municipal elections, protests, certifications of results, litigation or other costs which may be incurred, even if not specifically mentioned in this chapter. Further, the City of Goose Creek shall provide payment upon such invoices within 30 days of receipt thereof.

(B) Requirements of method of nominating candidates of filing, and filing fees.

(1) Candidates for the Offices of Mayor and City Council shall file a statement of candidacy with the Berkeley County Voter Registration and Election Commission not later than 12:00 noon, 60 days prior to the election, but not sooner than 75 days prior to the election. A filing fee of \$150 shall be submitted with the statement of candidacy for the Office of City Council. The filing fee for the Office of Mayor shall be the sum of \$300. The Berkeley County Voter Registration and Election Commission shall verify the information in the statement for compliance with state and city laws and place the name of the candidate on the ballot. All filing fees received shall be used to defray the cost of the election.

(2) Any person declaring candidacy under this section who cannot afford the required filing fee and who claims to be indigent shall file a written appeal for relief with the Berkeley County Voter Registration and Election Commission not later than 12:00 noon, 60 days prior to the election, but not sooner than 75 days prior to the election.

(C) The Berkeley County Voter Registration and Election Commission must examine the petitions of the candidates and determine the validity not later than 30 days prior to the general or special election.

(Ord. 09-006, passed 10-13-2009)

§ 37.03 WHEN ELECTIONS TO BE HELD.

The municipal general election for Mayor and Council shall be held on the first Tuesday following the first Monday in November in odd numbered years and it is the intent of this provision that the municipal election coincide with the general election for Federal, state,

and county officers and if there be any postponement of the general election as a result of emergency or disaster, then at such time as the general election is held.

(Ord. 09-006, passed 10-13-2009; Ord. 18-013, passed 7-10-2018)

§ 37.04 SPECIAL ELECTIONS.

In case a vacancy shall occur in the Office of Mayor or any member of the Council, an election shall be held to fill the vacancy provided the vacancy occurs 180 days or more prior to the next general election. Any special election which may be held shall be conducted according to the same rules and regulations controlling the regular municipal elections.

(Ord. 09-006, passed 10-13-2009)

§ 37.05 POLLING PLACE, LOCATION AND TIME OPEN AND CLOSED.

The location of the polls and the hours of opening and closing the polls shall be according to the general election laws of the state at such locations as may be published prior to the election.

(Ord. 09-006, passed 10-13-2009; Ord. 18-013, passed 7-10-2018)

§ 37.06 NON-PARTISAN ELECTION PROCEDURE.

All regular and special elections for the Office of Mayor and/or Councilmember for the city shall be non-partisan elections held pursuant to applicable state statutes. No political party affiliation shall be placed on any ballot for any candidate. Public notice of all elections shall be given at least 90 days prior to the elections.

(Ord. 09-006, passed 10-13-2009)

§ 37.07 DETERMINATION OF ELECTION RESULTS UNDER NON-PARTISAN PLURALITY METHOD.

The winners shall be determined by the nonpartisan plurality method set forth in S.C. Code § 5-15-61;

(A) When more than one person is seeking election to a single office, the candidate who receives the highest number of votes shall be declared elected.

(B) When more persons are seeking election to two or more offices (constituting a group) than there are offices to be filled, those candidates receiving the highest number of votes, equal in number to the number of offices to be filled, shall be declared elected.

(Ord. 09-006, passed 10-13-2009; Ord. 18-013, passed 7-10-2018)

§ 37.08 TIME OF TAKING OFFICE.

Newly elected officers shall be qualified after at least 48 hours after the closing of the polls. If the results of the election are contested, the incumbent who fills the contested office shall hold over until the contestant is finally determined. Elected officers shall take office 30 days after being qualified by the Berkeley County Voter Registration and Election Commission.

(Ord. 09-006, passed 10-13-2009)

§ 37.09 TERMS OF MAYOR AND COUNCIL.

The Mayor and City Council shall be elected for a term of four years. The terms of Council shall be staggered so that not more than one half of the Council and Mayor shall be elected in the same general election.

(Ord. 09-006, passed 10-13-2009)

§ 37.10 LISTING OF CANDIDATES ON BALLOT.

All candidates for office shall be listed in alphabetical order under the names of the office being sought, and all candidates shall be listed without title. Nicknames shall not be used unless approved by the Berkeley County Voter Registration and Election Commission. Insofar as possible, the style of the general election ballot shall be the same as that prescribed in the code of laws of the state for general elections. One space for each office to be filled must be allowed for the voters to write in the name of any qualified person for whom they may wish to vote.

(Ord. 09-006, passed 10-13-2009)

§ 37.11 RESULTS OF ELECTIONS.

The managers of the municipal election shall officially certify the results of the election to the Berkeley County Voter Registration and Election Commission on the day following the election. The Berkeley County Voter Registration and Election Commission shall officially declare the results of the election within 72 hours following the close of the election. The declaration shall be made to the Mayor and Council who shall officially notify the candidates of the results.

(Ord. 09-006, passed 10-13-2009)

§ 37.12 SAFEGUARDING THE BALLOTS.

After any municipal election has been conducted and the official ballots have been duly conducted and tabulated, the Berkeley County Voter Registration and Election Commission shall place the ballots into the envelopes which shall be sealed and the envelopes containing the ballots shall be placed into ballot boxes. The ballot boxes containing the ballots shall be locked and placed in the city safe or other equally secure place. The keys to the ballot boxes shall be placed in the custody of the Berkeley County Voter Registration and Election Commission. The ballots shall be left undisturbed in the city safe or other place unless the Berkeley County Voter Registration and Election Commission shall order the ballots released for the purpose of a contested election as provided by the laws of the state or for conducting a recount as provided by the laws of the state. After the proceedings of a contested election have been completed or adjourned for the day, the ballots shall be redeposited in the city safe or other equally secure place according to the procedure described above. If no appeals are made or no contests filed, the Berkeley County Voter Registration and Election Commission shall order, in writing, the ballots destroyed at the end of the third week following the date of the election; provided that no ballots shall be destroyed until all appeals have been decided.

(Ord. 09-006, passed 10-13-2009)

§ 37.13 CONTEST OF ELECTION.

(A) Within 48 hours after the closing of the polls, any candidate may contest the result of the election as reported by the managers by filing a written notice of the contest together with a concise statement of the grounds therefor with the Berkeley County Voter Registration and Election Commission. Within 48 hours after the filing of the notice, the Berkeley County Voter Registration and Election Commission shall, after due notice to the parties concerned, conduct a hearing on the contest, decide the issues raised, file its report together with all recorded testimony and exhibits, with the Clerk of Court of the county, notify the parties concerned of the decision made and when the decision invalidates the election, the Council shall order a new election as to the parties concerned.

(B) Neither the Mayor nor any member of Council shall be eligible to pass on the issues arising in any contest in which the person is a party.

(C) Within ten days after notice of the decision of the Berkeley County Voter Registration and Election Commission, any party aggrieved thereby may appeal from the decision to the Court of Common Pleas. Notice of appeal shall be served on the opposing parties or their attorneys and filed in the office of the Clerk of Court within ten days. The notice of appeal shall act as a stay of further proceedings pending the appeal.

(Ord. 09-006, passed 10-13-2009)

§ 37.14 LATER ELECTION IN CASE OF FAILURE TO HOLD WHEN DUE, AND THE LIKE.

Whenever any election of the city shall fail of its purpose because of a tie vote or otherwise, or whenever any election shall fail to be held for any reason, the Berkeley County Voter Registration and Election Commission shall, whenever the failure appears, proceed forthwith to appoint a day and advertise for and hold another election and so continue to do so until the purpose of the election has been attained.

(Ord. 09-006, passed 10-13-2009)

AN ORDINANCE

AN ORDINANCE TO AMEND CHAPTER 37: ELECTIONS OF THE CITY OF GOOSE CREEK, SOUTH CAROLINA CODE OF ORDINANCES BY REVISING AND MAKING CHANGES TO THE FOLLOWING SECTION: 37.03 WHEN ELECTIONS TO BE HELD

WHEREAS, the City of Goose Creek’s ordinances currently provide for municipal elections to be held on the first Tuesday following the first Monday in November in each even numbered year;

WHEREAS, the Municipal Association of South Carolina and the State Elections Commission, recommend creating a Municipal Election Day in South Carolina;

WHEREAS, the State Elections Commission Executive Director in the April 2020 MASC Uptown Article stated that holding municipal elections along with a general election means the municipal election appears at the bottom of the ballots resulting in a drop off in the number of voters casting ballots in those races;

WHEREAS, 154 cities in South Carolina have adopted the recommended municipal election date in November of odd years including Charleston, Greenville, North Charleston, Columbia and only 34 cities hold municipal elections in November of even years;

WHEREAS, to facilitate a change in date of municipal elections from November of even years to the recommended Municipal Election Day of the first Tuesday after the first Monday in November of odd years, the Mayor and Council members elected in 2020 will serve until their successors are sworn in as a result of the election held in November of 2025. The Council members elected in 2018 will serve until their successors are sworn in after the election held in November 2023. Should any vacancy occur prior to these dates, the elected successor shall serve the remainder of the term of the official they are replacing.

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 Code of Ordinances of the City of Goose Creek, South Carolina, shall be and are hereby amended as follows:

Section 37.03 governing when elections shall be held shall be deleted in its entirety and in its place the following section shall appear:

§ 37.03 WHEN ELECTIONS TO BE HELD.

The municipal general election for Mayor and Council shall be held on the first Tuesday following the first Monday in November in odd numbered years and if there be any postponement of the general election as a result of emergency or disaster, then at such time as the general election is held.

All ordinances and provisions in conflict herewith are hereby repealed, and if any sentence, clause, phrase, or word contained herein shall be held invalid, such invalidity shall not affect the validity of the remainder of this ordinance.

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

INTRODUCED the 13th day of July 2021.
DONE the _____ day of August 2021.

Mayor Gregory S. Habib

Attest: _____
Kelly J. Lovette, MMC, City Clerk

Mayor Pro Tem Jerry Tekac

Councilmember Debra Green-Fletcher

Councilmember Corey McClary

Councilmember Gayla S.L. McSwain

Councilmember Hannah J. Cox

Councilmember Melissa Enos



Request for City Council Agenda Item

To: Natalie Zeigler, City Administrator, Mayor and City Council

From: Kelly J. Lovette, City Clerk

Please check one box

Regular Meeting

Special Meeting

Work Session

Please check one box, if applicable

Ordinance

Resolution

Proclamation

Request to
Purchase

Ordinance/Resolution Title

AN ORDINANCE TO AMEND CHAPTER 33: CITY ORGANIZATIONS, CULTURAL ARTS COMMISSION, OF THE CODE OF ORDINANCES FOR THE CITY OF GOOSE CREEK, SOUTH CAROLINA, BY REPEALING IN ITS ENTIRETY SECTION 33.102 COMPOSITION AND FUNCTIONS AND ADOPTING IN LIEU THEREOF A NEW SECTION 33.102 COMPOSITION AND FUNCTIONS, WHICH IS MADE A PART HEREOF AS IS FULLY SET OUT HEREIN (Introduction and First Reading of a Public Hearing)

Background Summary

There has been difficulty in recruiting applicants to serve on the Cultural Arts Commission (CAC). It is hopeful that by opening up the application process to the citizens who reside within the Goose Creek Recreation Special Purpose Tax District, that we will receive more applications from those willing to serve on the CAC.

Financial Impact

None.

Impact if denied

Shortage of applicants interested in applying to serve on the CAC.

Impact if approved

It is City staff's hope that opening the application process to the citizens of the Goose Creek Special Purpose Tax District will provide for more applicants interested in applying for and serving on the CAC.

Department Head:

City Administrator:

Signature & Date

Signature & Date

AN ORDINANCE

AN ORDINANCE TO AMEND CHAPTER 33: CITY ORGANIZATIONS, CULTURAL ARTS COMMISSION, OF THE CODE OF ORDINANCES FOR THE CITY OF GOOSE CREEK, SOUTH CAROLINA, BY REPEALING IN ITS ENTIRETY SECTION 33.102 COMPOSITION AND FUNCTIONS AND ADOPTING IN LIEU THEREOF A NEW SECTION 33.102 COMPOSITION AND FUNCTIONS, WHICH IS MADE A PART HEREOF AS IS FULLY SET OUT HEREIN

WHEREAS, in an effort to open recruiting for commission members to the Cultural Arts Commission, the Mayor and City Council are including the citizens of the Goose Creek Recreation Special Purpose Tax District.

NOW, THEREFORE, IT IS HEREBY ORDAINED and ordered by the Mayor and City Council of the City of Goose Creek, South Carolina, in Council duly assembled, that the current Section 33.102 Composition and Functions, is hereby repealed and replaced with the following code section and is hereby adopted as follows:

Section 33.102 Composition and Functions

The Cultural Arts Commission shall consist of seven (7) members, of which five (5) shall be citizens of the City and two (2) shall be citizens of the Goose Creek Recreation Special Purpose Tax District, and who shall be appointed by City Council to serve two-year terms at the pleasure of City Council. The terms commence on the day of the appointment and continue for two (2) years or until City Council appoints a replacement.

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

INTRODUCED the 13th day of July, 2021.

DONE the _____ day of August, 2021.

Mayor Gregory S. Habib

Attest: _____
Kelly J. Lovette, MMC, City Clerk

Mayor Pro Tem Jerry Tekac

Councilmember Debra Green-Fletcher

Councilmember Corey McClary

Councilmember Gayla S.L. McSwain

Councilmember Hannah J. Cox

Councilmember Melissa Enos



Request for City Council Agenda Item

To: Natalie Zeigler, City Administrator; Mayor and City Council

From: Kelly J. Lovette, City Clerk

Please check one box

Regular Meeting

Special Meeting

Work Session

Please check one box, if applicable

Ordinance

Resolution

Proclamation

Request to
Purchase

Ordinance/Resolution Title

Approval of Records Retention Schedule - Fire/EMS Department - (COVID-19 VACCINATION RECORDS) - City Clerk

Background Summary

The attached newly created Records Retention Schedule is being submitted for approval as required under the provisions of Title 30, Code of Laws of South Carolina, 1976, Section 30-1-10 through 30-1-40, as amended.

Financial Impact

None.

Impact if denied

The City of Goose Creek would not be in compliance, as required under SC Code of Laws.

Impact if approved

The City of Goose Creek would be in compliance with SC Code of Laws.

Department Head:

City Administrator:

Signature & Date

Signature & Date



South Carolina Department of Archives & History
Division of Archives and Records Management

APPROVAL OF RECORDS RETENTION SCHEDULE

In accordance with provisions of Title 30, *Code of Laws of South Carolina, 1976*, Sections 30-1-10 through 30-1-140, as amended, the attached Records Retention Schedule is submitted for approval. This schedule supersedes any previously approved schedule for these same records series.

PART I — Office or Department

CITY OF GOOSE CREEK

Local Government Subdivision

FIRE / EMS DEPARTMENT

Office or Department

1036

Record Group Number

I certify that I am authorized to act for this agency in the disposition of its public records and hereby approve the attached Records Retention Schedule. The schedule meets all legal and audit requirements and the records have no further administrative, fiscal, or legal value to this agency after the expiration of the prescribed retention periods.

Records series included in this approval are numbered: **18257**

Date

Signature of Approving Authority

Title

PART II — Governing Body

I am authorized to act for the governing body of this local government subdivision and certify that the governing body has approved the Records Retention Schedule as described in Part I, above.

Date

Signature of Approving Authority

Title

PART III — Department of Archives and History

The records listed in the attached Records Retention Schedule have been evaluated by this department for their management, research, and permanent value and are approved for retention or disposal as described in the schedule.

Date

Director, Department of Archives and History

**South Carolina Department of Archives and History
Records Management Division**

**Guidelines For Understanding And Implementing
Records Retention Schedules**

The following guidelines describe basic terms related to records retention schedules and define the responsibilities associated with schedule approval and implementation.

Records Retention Schedule – A records retention schedule describes one or several records series and indicates the length of time records should be retained prior to final disposition. Schedules are issued to state agencies or local government subdivisions and must be approved in accordance with provisions of the Public Records Act, as amended. Upon approval, the latest retention schedule supersedes any schedule previously approved for the same records series or group of records series.

Copies – All official copies of state agency and local government subdivision records must be inventoried, appraised, and scheduled. Convenience and other extra copies do not need a records retention schedule and may be disposed of when no longer needed for reference.

Legal Retention Requirements – The approval of schedules by state agencies or local government subdivisions should include a legal review to ensure that retention periods are in compliance with all applicable laws and regulations. In addition, state agencies and local government subdivisions are responsible for ensuring that records are retained for any additional time necessary to fulfill special legal considerations or requirements, such as those related to pending litigation, government investigations, or court orders.

Confidentiality and Restrictions – State agencies and local government subdivisions should ensure that confidential records are properly filed, accessed, and disposed of in accordance with federal, state, and local legal requirements.

Audit Requirements – State agencies and local government subdivisions are responsible for ensuring that records are retained to comply with all audit requirements.

Destruction of Records – Non-microfilmed records destroyed in accordance with approved schedules should be reported to the Department of Archives and History by submitting a copy of the State and Local Government Report of Records Destroyed. A copy of each destruction report should be retained by the state or local office as documentation of records destroyed in accordance with the approved retention schedules.

Records Storage – Permanent records must be maintained, protected, and preserved in an appropriate environment as required by section 30-1-70 of the Public Records Act, as amended. The State Records Center will accept scheduled semi-active state agency records for temporary storage on a space available basis. It will also receive permanent records scheduled for transfer to the Department of Archives and History.

For further information on state or local records retention schedules, please contact the Records Services staff at (803) 896-6100.

March 2010



CITY OF GOOSE CREEK

RECORD GROUP NUMBER: 1036

FIRE / EMS DEPARTMENT

18257 COVID-19 VACCINATION RECORDS

Description:

Records documenting the consent to vaccinate for the Covid-19 virus. Information includes the signed consent/authorization to vaccinate and release of liability.

Retention:

3 years, then destroy.



Request for City Council Agenda Item

To: Mayor and City Council

From: Tyler Howanyk, CFO

Please check one box

Regular Meeting

Special Meeting

Work Session

Please check one box, if applicable

Ordinance

Resolution

Proclamation

Request to
Purchase

Ordinance/Resolution Title

MONTHLY REPORT OF CONTRACTS OVER \$25,000; EXEMPTIONS AND 2021 FISCAL YEAR BUDGET APPROVALS (Informational Purposes Only)

Background Summary

In accordance with the purchasing policy ordinance number 2021-015, passed on June 8, 2021, all contracts authorized by city staff, pursuant to section 34.40, the City Administrator shall make a report to City Council at its regular public meeting and at other meetings, as appropriate, of all contracts authorized by City staff, pursuant to section 34.40, as outlined below:

34.40 APPROVAL BY CITY COUNCIL OF CONTRACTS OVER \$25,000; EXEMPTIONS AND PRIOR APPROVALS

City Council shall approve all contracts over \$25,000, except:

(A) Contracts and items as listed in § 34.22 EXEMPTIONS

(B) Contracts for goods and/or services approved by City Council by an identifiable line item in the current budget year

(C) Contracts for good and/or services that (i) are a part of a larger transaction that has already been approved by City Council and (ii) do not exceed the amount budgeted for such part in the original approval

(D) Contracts for goods and/or services that are to be paid with proceeds of a debt issue if the project is identified in the ordinance authorizing the bond issue; and

(E) Contracts which do not exceed by more than 10%, up to a \$25,000 maximum, the amount previously authorized by City Council via the methods set forth in (B), (C) or (D) of this section.

All contracts authorized by city staff, pursuant to this section, shall be subject to all foregoing sections of this Ordinance. The City Administrator shall make a report of all such contracts to City Council at its regular public meeting and at other meetings, as appropriate.

The following item(s) qualify under this section and are therefore included in the City Administrators report

Financial Impact

n/a

Impact if denied

n/a

Impact if approved

n/a

Department Head:

City Administrator:

Signature & Date

Signature & Date



CITY OF GOOSE CREEK

LISTING OF ITEMS OVER \$25,000 THAT ARE EXEMPT FROM PURCHASING POLICY OR HAVE HAD PRIOR APPROVAL FOR THE PERIOD: JUNE/JULY 2021

<u>DEPARTMENT</u>	<u>ACCOUNT NUMBER</u>	<u>DESCRIPTION OF ITEM</u>	<u>BUDGETED AMOUNT</u>	<u>REMAINING BUDGET BEFORE PURCHASE</u>	<u>PURCHASE PRICE</u>	<u>AMOUNT (OVER)/UNDER BUDGET AFTER PURCHASE</u>
Sanitation	100-631-000-800-8073	Roll Carts	\$ 59,602.00	\$ 29,787.88	\$ 28,408.44	\$ 1,379.44



Request for City Council Agenda Item

To: Natalie Zeigler, City Administrator; Mayor and City Council

From: Kelly Lovette, City Clerk

Please check one box

Regular Meeting

Special Meeting

Work Session

Please check one box, if applicable

Ordinance

Resolution

Proclamation

Request to
Purchase

Ordinance/Resolution Title

June Monthly Department Reports (Informational Purposes Only)

Background Summary

Financial Impact

Impact if denied

Impact if approved

Department Head:

City Administrator:

Signature & Date

Signature & Date

City of Goose Creek Administration Department

Monthly Report

June 2021

Business Licenses Issued

License Type	Issued	Fee	Gross Sales Reported	YTD Issued	YTD Fees	YTD Gross Sales Reported
Inside City	119	\$ 73,882	\$ 28,100,640	1,086	\$ 1,804,626	\$ 1,293,546,755
Outside City	181	232,951	38,799,626	1,394	1,397,980	248,066,319
NWS Contracts	4	2,417	423,996	18	110,251	62,556,725
MASC Ins & Telecom	668	3,075,144	155,020,772	838	3,244,821	166,606,735
Prior Yrs.	24	14,175	4,089,297	77	38,705	10,699,283
Totals	996	\$ 3,398,569	\$ 226,434,331	3,413	\$ 6,596,383	\$ 1,781,475,817

Licenses Issued to New Commercial Businesses Inside the City

Name	Address	Type
Alliance Insurance Services LLC	100 Crowfield Blvd Unit A	2(insurance agency)
Nostalgic Enterprises LLC DBA Chill N Grill Creekside	205 N Goose Creek Blvd Unit 105	2(restaurant)
Magnolia Family Dental LLC	2015 2nd Avenue Ste 201	5(physician's office)
SDB Ventures LLC DBA Fleet Feet	2509 N Main Street Unit A	2(retail store athletic apparel)

Building Permits Issued

	Issued	Fees	Construction Costs	YTD Issued	YTD Fees	YTD Construction Costs
Express	48	\$ 69,503	\$ 11,827,259	210	\$ 287,537	\$ 49,732,017
Building	61	15,732	5,252,937	360	101,220	38,740,792
Misc Permits	70	4,575	818,015	321	23,582	11,826,806
Plan Review	122	33,372	-	551	150,791	-
Totals	301	\$ 123,182	\$ 17,898,211	1,442	\$ 563,130	\$ 100,299,615

Commercial Construction in Progress

Contractor Name	Address	Project
Paric Corporation	2 Spring Hall Drive	Business Office Addition
Hawk Construction of Charleston	111 Spring Hall Drive	Business Office Addition
Trident Construction	300 Callen Blvd	Oncology Addition
Hill Construction Services of Chasn Inc	2507 & 2509 N Main Street	Shopping Plaza
Amerson Construction Co. Inc.	116 Spring Hall Drive	Office Building
Horizon Construction	516 St James Avenue	Addition
Morgan Construction	205 St James Avenue	Grocery Store
Linden Construction of SC	220 St James Avenue	Restaurant/Retail Space

City of Goose Creek Administration Department

Monthly Report

June 2021

Single Family Housing Starts (By Sub-Division)

	<u>Current</u>	<u>YTD</u>
Montague Point	0	0
Lakeview Commons	0	0
Liberty Village (Brickhope)	0	0
Mackey Farms	5	30
Marrington Villas (Cobblestone)	0	0
Medway Landing	0	23
Miscellaneous	4	26
Shell Pointe	0	39
Sophia Landing	0	1
Carnes Crossroads	39	90
TOTALS	<u>48</u>	<u>209</u>

Hospitality Fees Collected

	<u>Current Month</u>	<u>YTD</u>	<u>Fund Balance</u>
Total Fees Collected	\$ 216,179	\$ 1,013,728	\$ 762,283

Berkeley County Water & Sanitation Payments Collected at City Hall

	<u>Current Month</u>	<u>YTD</u>
Number of Payments Collected	1,649	9,535
Total Receipts Collected	\$ 89,514	\$ 534,783

**CREEK COMPASS MONTHLY REPORT
JUNE 2021**

Planning and Zoning

ARB	Signage: Blue Tequila	121 Plantation North Blvd, Unit A
ARB	Signage: Dream Learning Academy	100 S. Goose Creek Blvd
ARB	Signage: Creek City Grill/Wide Awake Brewing Company	101 Button Hall Ave
ARB	Renovation: Miller Conway Lawyers	124 S. Goose Creek Blvd
ZBA	Conditional Use Permit Request: Cokers Commons - Pool Property	117 Kirkland Street
PLANNING COMM	No Meeting	NA

Building Inspections

	June	YTD
Slab Plumbing	41	263
Slab/Mono Slab/Footings	34	280
Sheathing	36	286
Mech/Elect/Plumb/Gas Roughs/Fin:	160	1442
Framing	51	363
Insulation	62	254
Electrical Final/Release	56	288
Gas Final/Release	40	196
Building Final/CO	47	225
Courtesy/Misc (Sunroom, Windows,	42	211
Building Safety	1	47
Totals	570	3855

Commercial Open and Recently Closed Projects

UC: Under Construction

CO: Completed

101 Button Hall Ave	Creek City Grill & Brewery	UC
300 Callen Blvd, Suite 240	Urology	UC
121 Carolina Ave	CR Hipp	CO
900 Conway Circle	Azure Apartments	UC/CO
Grey Goose Drive	Devon Pointe II Townhome Rentals	UC
114 Etiwan Drive	Shops at Etiwan	UC
100 Etling Drive	Playground	UC

104 Gainsborough Drive, BLDG 190	Fire Demo and Rebuild	UC
441 Liberty Hall Road	BC Sewer Pump Station	CO
2507 North Main Street	Retail Shell Building	UC
2507 North Main Street, Suite F	Ice Cream Shop	UC
2509 North Main Street, Suite G	El Jalapeno	UC
2509 North Main Street	Retail Shell Building	UC
2509 North Main Street-Suite A	Fleet Feet	UC
2509 North Main Street-Suite B	Jersey Mike's	UC
2509 North Main Street-Suite C	Sunshine Spirits	UC
2509 North Main Street-Suite D	Saton	UC
2520 North Main Street	Reful Gas Station & Car Wash	CO
117 Plantation North Blvd, Suite B	Happy Crab Restaurant	UC
119 Plantation North Blvd, Suite C	Outlaw Barber	CO
121 Plantation North Blvd	Blue Tequila Restaurant	UC
408 Red Bank Road	Brazilian Restaurant	CO
541 Red Bank Road	Calvary Church of the Nazarene	CO
217 St. James Ave	Take 5 Oil Change	CO
2111 Red Bank Road	Water Treatment Plant	UC
111 Spring Hall Road	Office Building	UC
116 Spring Hall Road	Office Building	UC
199 Sweet Cherry Lane	Amenity Center	UC

Code Enforcement

	JUNE	YTD
Code Inspections (Complaints)	18	56
Code Inspections	653	2662
Code Violations Corrected	125	813
Code Violations Pending	85	194
Inoperable/Unlicensed Vehicles Citi	26	158
Inoperable/Unlicensed Vehicle Clea	21	160
Summons Issued	3	15
Certified Letters	32	105
Signs	90	177
Phone Calls	110	300
Totals	1163	4640

GIS

Short Term Projects:

- Developed web mapping application for collecting information on all proposed non-compliant signs in City
- Starting Emergency Management planning with FD by developing a grid system for the City
- Catalogued Flood Reports from June 5th Flash Flood event, and created a Heat Map visualizing critical areas for future storm planning as well as sending affected area reports to Berkeley County Emergency Management
- Assisted Economic Development in creating a map for Wayfinding Sign locations

Long Term (Ongoing):

- Managed/Processed data for Water Shutoff
- Development of GIS Standard Operating Procedures
- Continuing initial design phase for GIS application overhaul (Summer 2021)
- Continuing website design for public-facing GIS webpage
- Emergency Management Application Development

MUNICIPAL COURT MONTHLY REPORT
Report For June 1st, 2021 to June 30th, 2021

Cases Filed

Criminal	105	
Traffic	661	
City Ordinance	7	
Parking	1	
Total Filed Violations	774	

Bench Trials Scheduled

Criminal	69	
Traffic	754	
City Ordinance	8	
Parking	1	
Total Scheduled	832	

Case Disposition

Guilty	525	
Not Guilty	1	
Continued	271	
Dismissed for Plea Agreement (Ticket Re-Write)	58	
Dismissed by Judge	0	
Dismissed for Deceased	4	
Dismissed for Compliance	244	
Dismissed by Officer	17	
Dismissed - Lack of Prosecution	53	
Entered into the PTI Program	8	
Voided	1	
Nolle Pros	0	
Transferred to Youth Court	0	
Transferred to Magistrate	0	
Transferred to General Sessions	70	
Disposition Totals	1252	

Fines, Fees and Assessments Collected

Fines Retained by the City	\$24,868.64	
Fees and Assessments Forwarded to the State	\$37,720.95	
Victim's Assistance Fund	\$3,915.87	
Total Fines, Fees, and Assessments Paid	\$66,505.46	

Bench Warrants

Issued	7	
Cleared	6	
Change in Total Warrants	1	

Jury Trials

<u>June</u>		<u>(Previous Month)</u>	
Requested	4	Requested	10
Scheduled	21	Scheduled	17
Continued	6	Continued	1
Disposed	15	Disposed	11
Pending Total	38	Previous Pending Total	49

City of Goose Creek
Maintenance Division Monthly Report
June 2021

DESCRIPTION	JUNE	Y.T.D
Vehicle Usage		
Vehicle Mileage.....	4,064	21,498
Fuel Consumption (Diesel).....	0	0
Fuel Consumption (Unleaded).....	601	2,594
Ground Maintenance		
Drainage/Maintenance Activities (Approximate Hours).....	680	3,712
Solid Waste Collection (Hours).....	0	136
Drainage Maintenance (Hours).....	0	48
Building, Grounds, Special Projects (Hours).....	680	3,528
Road and Bike Trail Maintenance (Hours).....	0	0
Road Maintenance		
Road Maintenance Request (Total).....	0	18
SCDOT (new request).....	0	14
County (new request).....	0	4
Road Maintenance Requests Corrected.....	12	26
Street Signs Replaced/Erected/Repaired.....	22	70
Ditch Maintenance		
Ditch Maintenance Request.....	2	2
SCDOT.....	0	12
County.....	2	2
Ditch Maintenance Corrected.....	0	3

City of Goose Creek
Sanitation and Code Enforcement Divisions Monthly Report
June 2021

DESCRIPTION	JUNE	Y.T.D
Sanitation:		
Vehicle Usage:		
Vehicle Mileage.....	9,223	46,241
Fuel Consumption (Diesel).....	4,167	20,114
Garbage Removal:		
Household Garbage (Tons).....	1,341	6,965
Yard Debris (Tons).....	375	1,916
Construction Debris (Tons).....	158	771
Side Door Collections.....	2	48
Dead Animal Removed From Streets.....	12	56
Code Enforcement:		
Vehicle Usage:		
Vehicle Mileage.....	1,678	7,021
Fuel Consumption (Unleaded).....	197	723
Inspection/Violations:		
Code Inspections (Complaints)	18	56
Code Inspections.....	653	2,662
Code Violations Corrected	125	813
Code Violations Pending.....	85	N/A
Inoperable/Unlicensed Vehicles Cited.....	26	158
Inoperable/Unlicensed Vehicles Cleared.....	21	160
Summons Issued.....	3	15

**City of Goose Creek
Water Division Monthly Report
June 2021**

DESCRIPTION	JUNE	Y.T.D
Water Usage:		
Total Consumption (M.G.).....	83.48	482.28
Max Daily Flow (M.G.D.).....	3.26	4.21
Min Daily Flow (M.G.D.).....	2.24	1.29
Daily Average (M.G.D.).....	2.78	2.65
Account Services:		
New Customers.....	86	335
Close Outs.....	50	228
Adjustments:.....	7	66
Account Arrangements.....	12	144
Clerical Errors.....	15	130
Temporary Services.....	5	28
Turn-Offs...(Sewer).....	52	722
Turn-Offs... (Non-Payment, Bad Checks, No Deposit).....	271	1443
Maintenance Services:		
Repair Broken Water Mains.....	0	5
Investigate Service Leaks.....	34	196
Repair Service Leaks.....	14	69
Locate Lines	235	1269
Change Meters.....	30	368
Service Line Replacement	1	1
Meter Box Maintenance and Repair.....	5	37
Valve Replacement	0	1
Fire Hydrant Replacement/Installs/Repairs.....	0	9
Install Taps.....	42	195
Site Restorations	3	14
Vehicle Usage:		
Vehicle Mileage.....	8,115	50,703
Fuel Consumption (Gallons).....	946	5,389

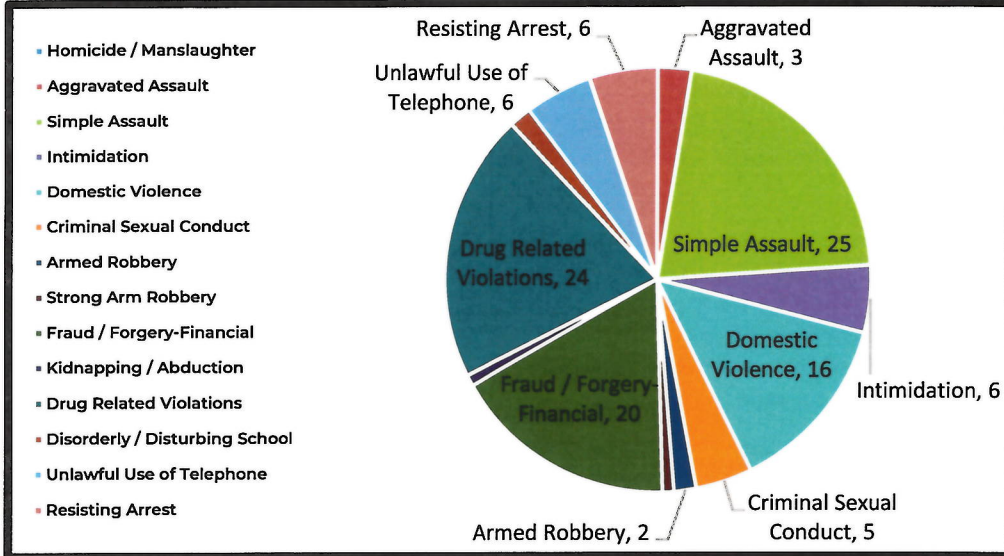
**City of Goose Creek Fire Department
Monthly Report
June 2021**

	TOTAL	YTD
Fire		
FIRST RESPONDER	256	1291
HAZMAT	6	32
CANCELLED ENROUTE	48	118
FALSE ALARM	41	179
SERVICE CALL	33	131
FIRE	6	44
SPECIAL INCIDENT	4	11
Total Fire Calls	394	1806
EMS		
Patients Seen	288	1260
Patients Transported	195	990
No Transports	25	161
Cancel/False	26	127
Assist	5	13
Standby	5	6
TOTAL EMS CALLS	288	2557
Average Response Time	7:14	
Man Hours	333	
TRAINING HOURS - Daily and Specialized	479	3646.5

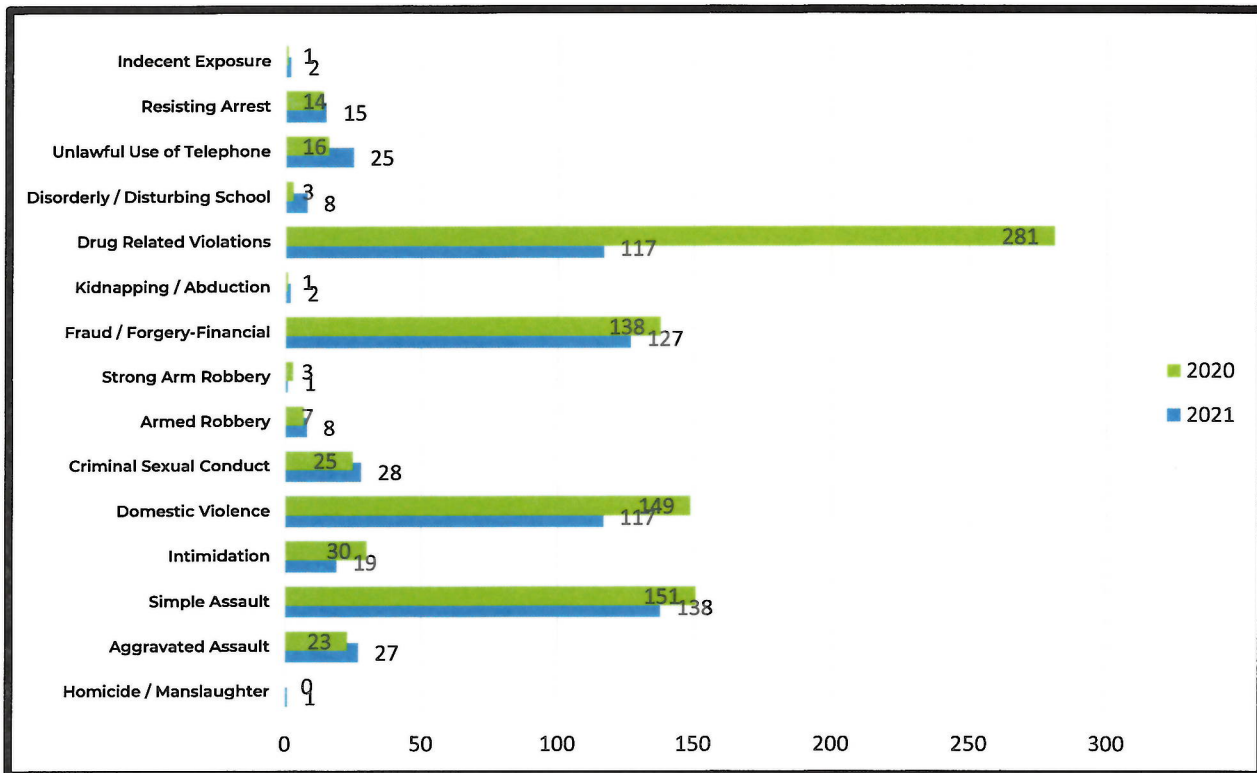
**Goose Creek Police Department
Monthly Report June, 2021**

Agency Offenses / Incidents Investigated

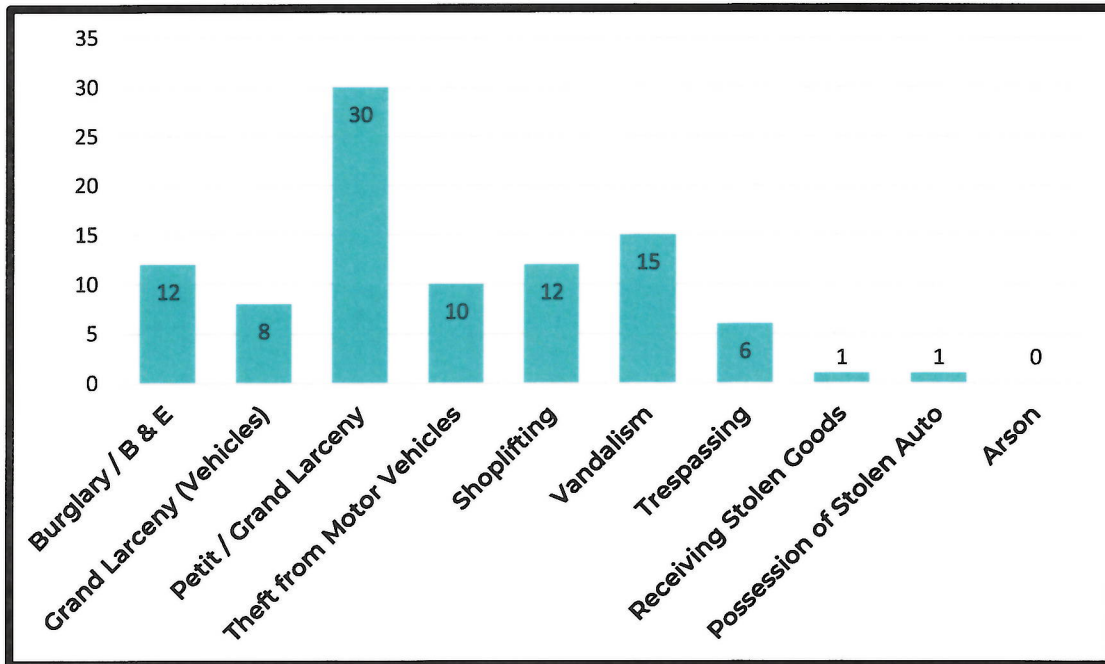
Crimes Against Persons, Current Month



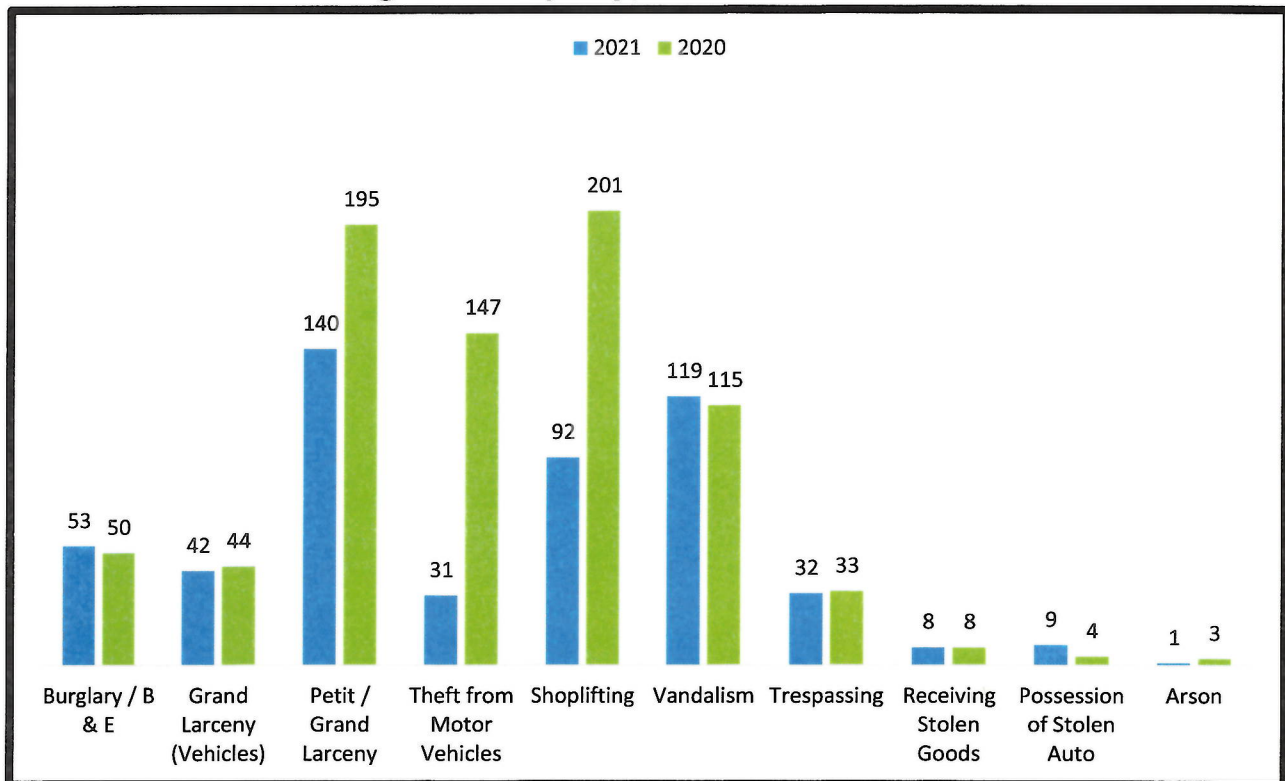
Crimes Against Persons, This Year versus Last Year



Crimes Against Property, Current Month



Crimes Against Property, This Year versus Last Year



Crimes Continued

	Month	YTD	2020	Change %
Bench Warrant Cases	0	0	5	-100%
Alcohol Violations	9	52	37	41%
Weapons Violations	7	40	37	8%

Crime Number Totals

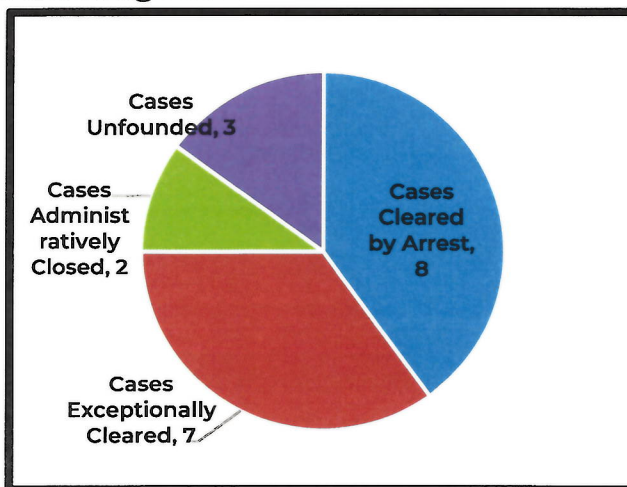
Month	YTD	2020	Change %
246	1,341	1,794	-25%

Response Times

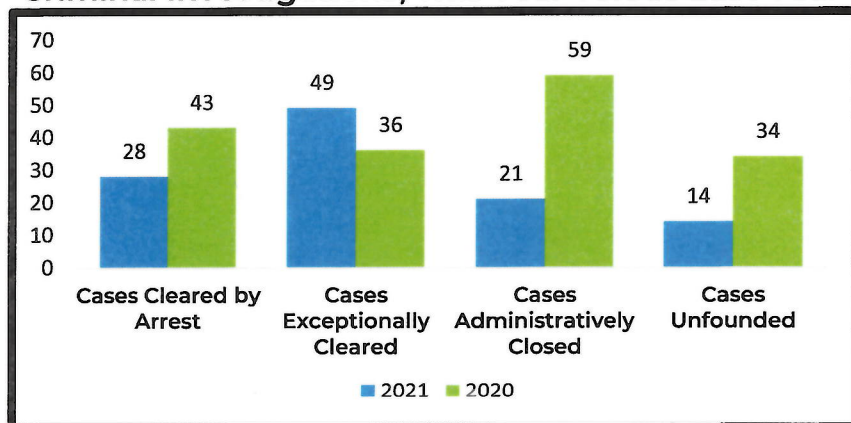
	Month	YTD	2020	Change %
Emergency	3:29	3:29	2:20	49%
Non-Emergency	6:04	6:04	5:52	3%

Criminal Investigations

Total Cases			
Month	37	YTD	139
2020	211	Change %	-34%
Case Work Ups			
Month	51	YTD	271
2020	94	Change %	188%
Evidence Items			
Month	313	YTD	1,471
2020	1836	Change %	-20%



Criminal Investigations, This Year versus Last Year



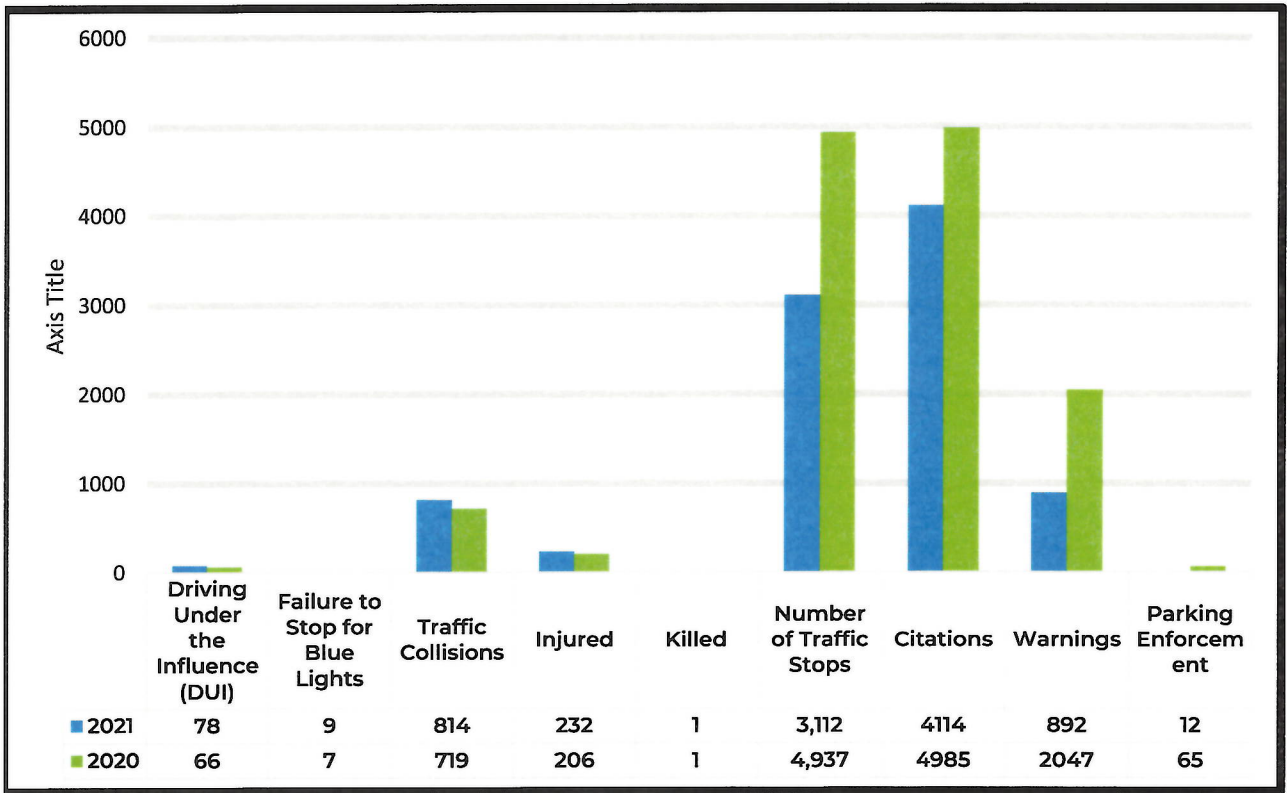
Traffic Activities

Traffic Offenses	Month	YTD	2020	Change %
Driving Under the Influence (DUI)	17	78	66	18%
Failure to Stop for Blue Lights	1	9	7	29%

Traffic Collisions	Month	YTD	2020	Change %
Traffic Collisions	158	814	719	13%
Injured	34	232	206	13%
Killed	0	1	1	0%

Traffic Enforcement	Month	YTD	2020	Change %
Number of Traffic Stops	455	3,112	4,937	-37%
Citations	694	4,114	4,985	-17%
Warnings	118	892	2,047	-56%
Parking Enforcement	0	12	65	-82%

Traffic Activities, This Year versus Last Year

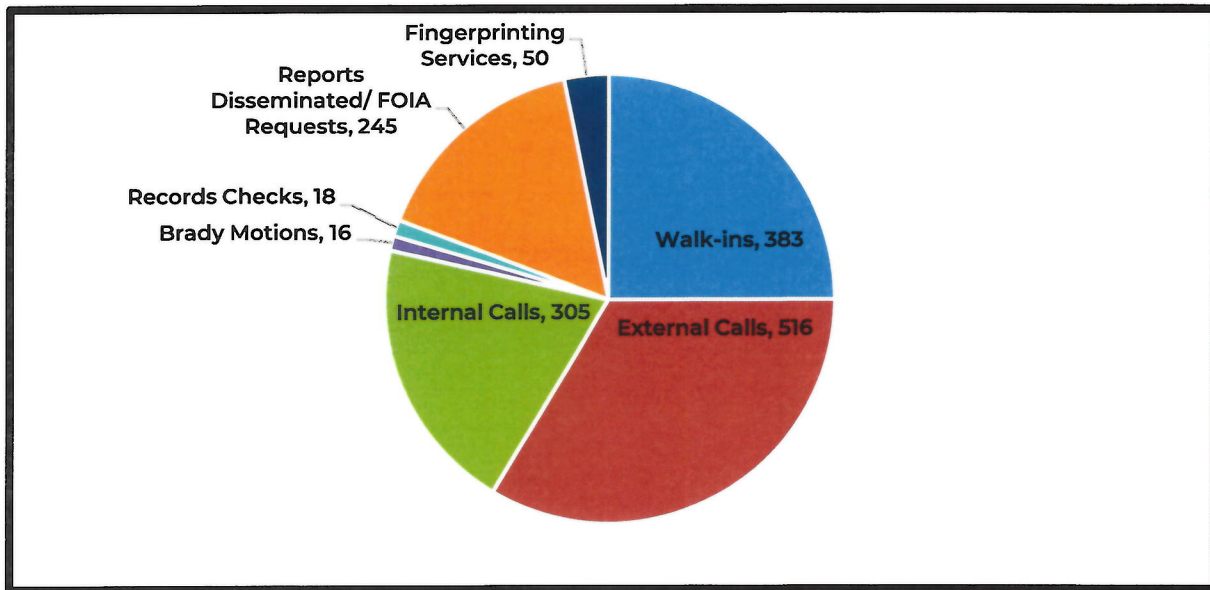


Other Services

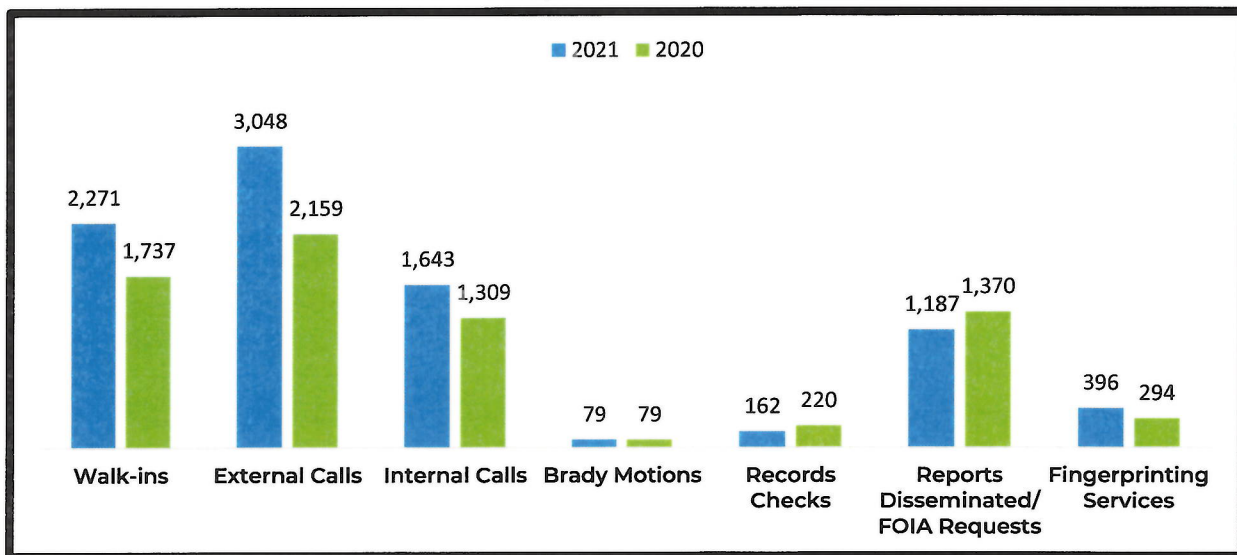
Animal Services	Month	YTD	2020	Change %
Total Calls for Service	114	726	712	2%
Total Animals Handled	33	200	203	-1%

Victim Services	Month	YTD	2020	Change %
Crime Victims / Witnesses Served	85	333	322	3%

Records Services, Current Month

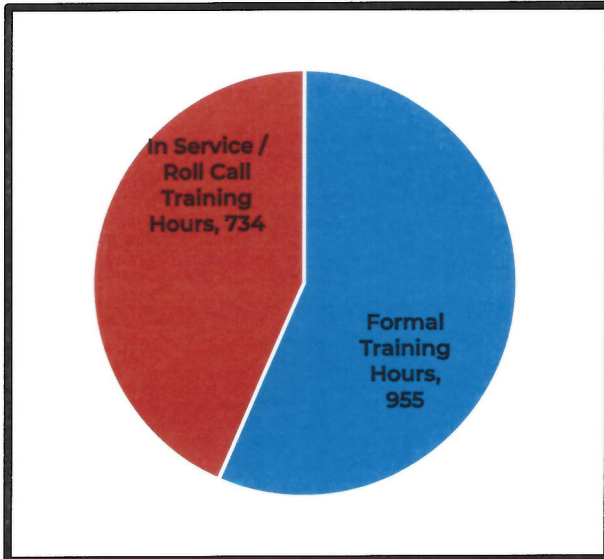


Records Services, This Year versus Last Year

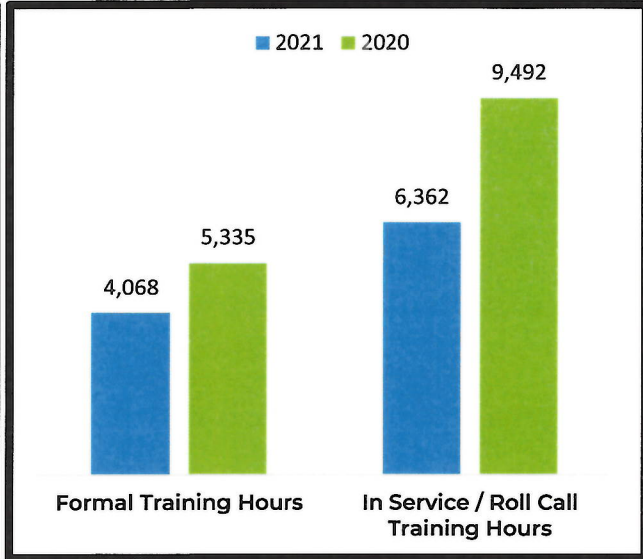


Training Activities

Current Month

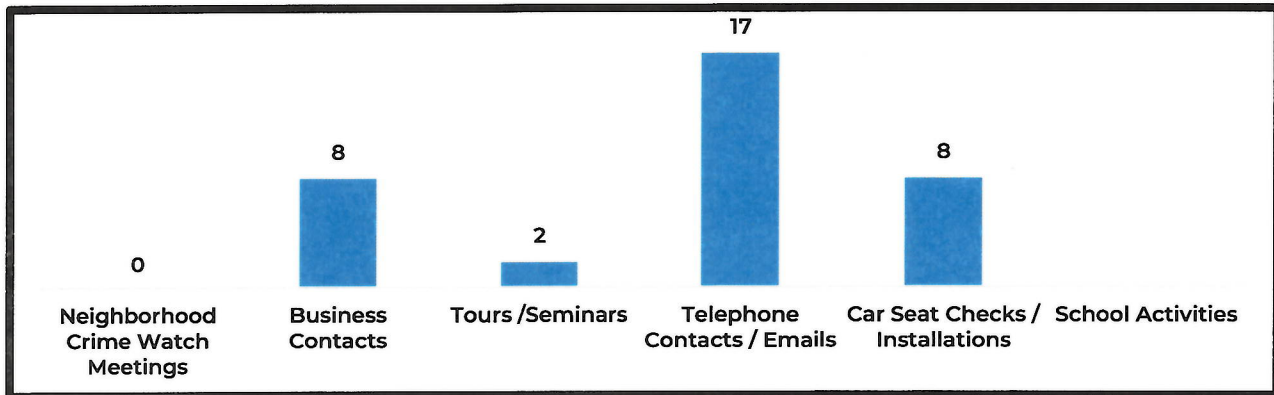


This Year versus Last Year

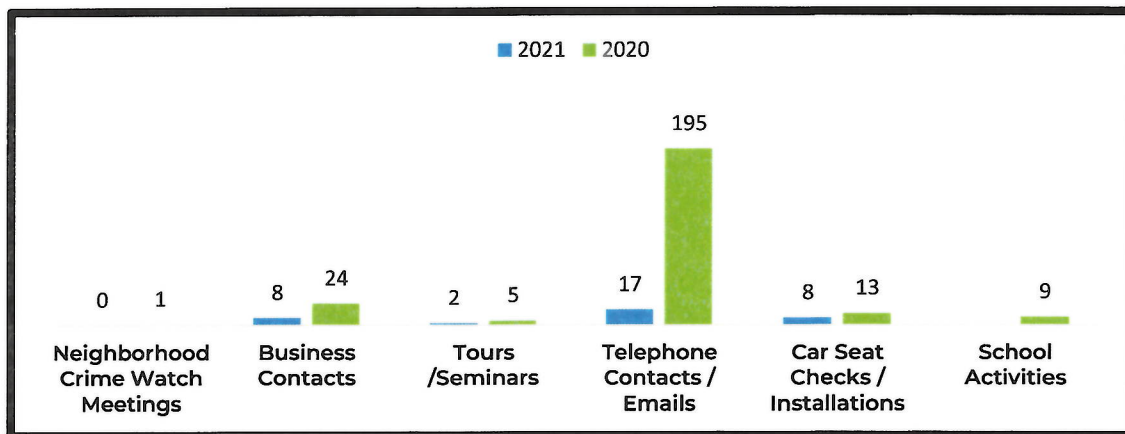


Total Monthly Training Hours: 1689

Crime Prevention Services, Current Month



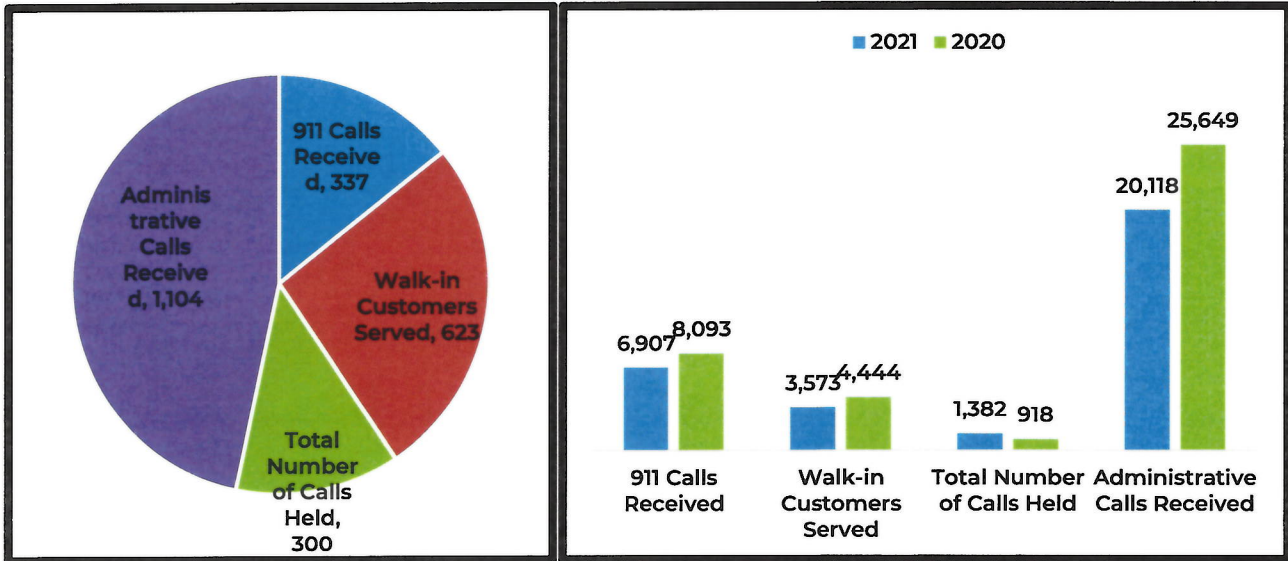
Crime Prevention Services, This Year versus Last Year



Communications

Current Month

This Year versus Last Year



School Resource Officers

	Month	YTD	2020	Change %
Incident Reports	4	54	28	93%
Arrests	1	22	16	38%

Professional Standards

	Month	YTD	2020	Change %
Use of Force Incidents	1	7	8	-13%
Vehicle Pursuits	1	4	8	-50%
IA Cases Initiated	0	2	3	-33%
SI Cases Initiated	0	6	5	20%
Applications Reviewed	0	324	0	0%



**Golf Department
Monthly Report
June 2021**

MEMBERSHIP TOTALS	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	YTD
GOLF Members	149	149	152	154	162	161							N/A
ROUNDS 2020	2,401	2,482	4,037	1,778	3,730	4,485	4,846	4,426	4,001	4,536	3,771	3,034	43,527
ROUNDS 2021	3,154	2,377	4,528	5,449	5,531	4,114							25,153
GOLF REVENUE	85,068	83,232	126,748	146,800	178,596	114,112							734,556.20
PRO SHOP REVENUE	8,739	5,918	10,302	11,593	14,422	10,657							61,631.17
BAR - GRILL REVENUE	29,084	23,415	36,155	45,480	46,370	35,292							215,794.80
TOTAL REVENUE	\$122,891	\$112,566	\$173,205	\$203,872	\$239,389	\$160,060	\$ -	\$ -	\$ -	\$ -	\$ -	\$0	1,011,982.17

**Crowfield Golf Club
News and Events**

Golf Recap: Crowfield experienced its first rainy period and extreme heat of the year but still hosted over 4100 rounds. We are receiving very positive feedback from our customers on course condition, quality of food, new golf carts with GPS and customer service.

Upcoming Events: Crowfield will be hosting the second junior swing and swim camp the 12th thru 16th and will be hosting the one day member guest on the 17th.

Golf Course Condition: The golf course is in good condition, the greens are healing-up from the aerification last month. Todd, Chris and the maintenance staff are doing their best keeping-up with the mowing in-between the summer rains.

Crowfield Golf Club is open to the general public, regardless of where you live, for membership or daily play. For more information please go to:
<http://www.crowfieldgolf.com> or you may call 843-764-4618.

Crowfield Metric Chart

	Revenue	Expense	Rounds	E.P.G.	R.P.G.
2017	\$ 1,197,591	\$ 1,238,459	33,751	\$ 36.69	\$ 35.48
2018	\$ 1,316,535	\$ 1,376,041	35,352	\$ 38.92	\$ 37.24
2019	\$ 1,507,839	\$ 1,527,663	38,541	\$ 39.64	\$ 39.12
2020	\$ 1,660,565	\$ 1,679,405	43,527	\$ 38.58	\$ 38.15
2021	\$ 1,011,982	\$ 894,529	25,153	\$ 35.56	\$ 40.23

E.P.G. = Expense per golfer

R.P.G. = Revenue per golfer

2021

	Revenue	Expense	Rounds	E.P.G.	R.P.G.
January	\$122,890.55	\$ 127,107	3,154	\$ 40.30	\$ 38.96
February	\$112,565.54	\$ 132,670	2,377	\$ 55.81	\$ 47.36
March	\$173,204.96	\$ 142,229	4,528	\$ 31.41	\$ 38.25
April	\$203,872.07	\$ 164,422	5,449	\$ 30.17	\$ 37.41
May	\$239,388.51	\$ 125,589	5,531	\$ 22.71	\$ 43.28
June	\$160,060.49	\$ 202,512	4,114	\$ 49.23	\$ 38.91
July				#DIV/0!	#DIV/0!
August				#DIV/0!	#DIV/0!
September				#DIV/0!	#DIV/0!
October				#DIV/0!	#DIV/0!
November				#DIV/0!	#DIV/0!
December				#DIV/0!	#DIV/0!
Total	\$1,011,982.12	\$ 894,529	25,153		

* 2021 is un-audited

City of Goose Creek
Recreation Department
Monthly Report
June 2021

ACTIVITY CENTER PROGRAMS

- **Aerobics:** 12 classes offered per week, 7 Easy Does it classes offered per week, Zumba classes offered 3 times a week, Ball Fit is offered 2 times a week and Werq is also a good workout. Spin classes have been added to offer a variety to participants. A monthly schedule is out with specific dates and times.
- **Art Classes:** Art classes are offered for adults and kids. Each class has a different theme. Days and times of classes can be found on our website.
- **Dance:** Ages 3 & up learn tap, ballet and jazz and put on a recital in May. Hip Hop classes are also offered on Monday afternoons from 4:30 PM to 5:30 PM.
- **Gymnastics/Tumbling/Cheernastics:** Playnastics is a fun time for ages 6 months to 7 year olds. Classes are held Monday and Wednesdays from 10:00am to 12:00pm. The cost is \$5 per child for residents and \$7 per child for nonresidents. There are several classes for all ages. See our website for all class times and dates.
- **Martial Arts:** Classes are held on Tuesdays, Thursdays and Saturdays for all levels starting at age 4. First class is a free trial class.
- **Preschool:** Preschool will consist of 3-5 year olds in our Half Pints class. This class will be Monday through Friday from 8:30am-11:00a. The school program runs from September to May and follows the Berkeley County School District holiday schedule.
- **Yoga:** Classes are offered on Monday through Thursday for all different levels. The website will show all the levels and times offered.

	May	June	Totals
Total Participants	663	697	Average 733
Resident Participants	382	408	Average 433
Nonresident Participants	281	289	Average 300
Resident Revenue	\$ 26,589.75	\$ 25,539.50	\$ 171,584.25
Nonresident Revenue	\$ 22,297.50	\$ 21,002.75	\$ 135,379.25
Instructors Pay	\$ (3,752.00)	\$ (3,647.70)	\$ (23,243.69)
Profit/Loss	\$ 45,135.25	\$ 42,888.55	\$ 283,713.81

COMMUNITY CENTER PROGRAMS

- **Fitness Memberships:** Adult and Youth Memberships are available. Residents are \$60 for an adult and \$25 for youth for a year. Nonresidents pay \$325 adult and \$175 for a youth membership per year.
- **Personal Training:** Orientation, Personal Training from 3 certified instructors, and Strength training for teens.
- **Senior Walking Club:** This club is for seniors 60 and older. They receive a colored membership card that does not need to be scanned in. This membership runs a calendar year. Residents pay \$25 for a year and nonresidents pay \$100 for a year. The days and hours that they can walk is Monday – Friday 12:30 PM to 2:30 PM.

	May	June	Totals
Total Participants	3,227	2,808	Average 3,004
Resident Participants	3,021	2,668	Average 2,851
Nonresident Participants	206	140	Average 153
Resident Revenue	\$ 27,828.25	\$ 25,375.25	\$ 137,823.25
Nonresident Revenue	\$ 5,759.00	\$ 5,221.25	\$ 32,558.50
Instructors Pay	\$ (4,204.40)	\$ (1,632.50)	\$ (8,101.80)
Profit/Loss	\$ 32,609.85	\$ 28,964.00	\$ 165,474.45

SPORTS

Baseball/Softball: Fall baseball and softball will begin registration on July 6, 2021 and end on July 29, 2021. Games will be played at Felkel Field.

AGE GROUPS	# of TEAMS	# of PARTICIPANTS
T-Ball Ages 4-5		
Coach Pitch Ages 6-8		
Mod. Kid/Coach Pitch Ages 7-8		
Minors Ages 9-10		
Dixie Youth Ages 11-12		
Dixie Boys Ages 13-14		
Dixie Majors Ages 15-19		
Softball Coach Pitch Ages 6-8		
Softball Dixie Angels Ages 9-10		
Softball Dixie Ponytails Ages 11-12		
Softball Dixie Belles Ages 13-15		
Softball Dixie Debs Ages 16-19		

Soccer: Fall soccer registration will start July 6 and will end on July 29, 2021. Games will be played at Foster Creek Park.

AGE GROUPS	# of TEAMS	# of PARTICIPANTS
Tiny Tot Ages 4-5		
Pee Wee Ages 6-7		
Small Fry Ages 8-9		
Mite Ages 10-12		

Cheerleading: Registration will start May 31, 2021.

Football: Registration will start June 1, 2021.

AGE GROUPS	# of TEAMS	# of PARTICIPANTS
Midget Ages 6-8		
Pee Wee Ages 9-10		
Small Fry Ages 11-12		
Bantam Ages 13-14		

Basketball: Registration for the summer season started April 5, 2021 and will end on April 22, 2021.

AGE GROUPS	# of TEAMS	# of PARTICIPANTS
Tiny Tot Ages 5-6	6	56
Pee Wee Ages 7-8	6	60
Small Fry Ages 9-10	4	42
Small Fry Girls Ages 9-10	2	22
Mite Ages 11-12	6	58
Mite Girls Ages 11-12	2	20
Midget Ages 13-14	4	31
Junior Ages 15-17	2	15
Men Ages 18 +	1	5

SPORTS

- **Pickleball:** This sport is a mixture of ping pong, badminton and tennis. There is open play five days a week from 9:00am to 1:00pm. We also offer some select Sunday afternoon from 3pm-5pm for open pickleball play. Members can play for free and nonmembers only pay \$2 to play.
- **Volleyball:** We offer open play on Friday nights from 4:30 PM to 8:00 PM. Members can come in for free and nonresidents pay a \$5 fee.

	May	June	Totals
Total Participants	77	322	1,276
Resident Participants	42	256	993
Nonresident Participants	35	66	293
Resident Revenue	\$ 2,610.00	\$ 11,840.00	\$ 63,570.00
Nonresident Revenue	\$ 1,265.00	\$ 1,685.00	\$ 20,479.90
Instructors Pay	\$ (000.00)	\$ (1,435.00)	\$ (1,812.93)
Profit/Loss	\$ 3,875.00	\$ 12,090.00	\$ 82,236.97

SUMMARY

Athletics	May	June	Totals (Since Jan. 1)
Total Resident Participants	42	256	1,276
Total Resident Revenue	\$2,610.00	\$11,840.00	\$63,570.00
Total Nonresident Participants	35	66	388
Total Nonresident Revenue	\$1,265.00	\$1,685.00	\$20,479.90

Activity Center	May	June	Totals (Since Jan. 1)
Total Resident Participants	382	408	2,597
Total Resident Revenue	\$26,589.75	\$25,539.50	\$171,584.25
Total Nonresident Participants	281	289	1,800
Total Nonresident Revenue	\$22,297.50	\$21,002.75	\$135,379.25

Community Center	May	June	Totals (Since Jan. 1)
Total Resident Participants	3,021	2,668	17,097
Total Resident Revenue	\$27,828.25	\$25,375.25	\$137,823.25
Total Nonresident Participants	206	140	923
Total Nonresident Revenue	\$5,759.00	\$5,221.25	\$32,558.50

UPCOMING EVENTS

AUGUST

7th – Kids Fest – This is a fun event to end the summer before the kids have to go back to school. It will be held at the lake behind the Municipal Center from 11am-2pm. Bring the whole family for this fun event.

21st – Outdoor Movie – This is a fun family event. It will be held at Carnes Crossroads Village Green starting at 7pm. The movie will start at 8pm. There will be plenty of fun and snacks to enjoy while watching the movie. Movie title will be announced at a later date.

SEPTEMBER

25th – Outdoor Movie – This is a fun family event. It will be held at Carnes Crossroads Village Green starting at 6:30pm. The movie will start at 7:15pm. There will be plenty of fun and snacks to enjoy while watching the movie. Movie title will be announced at a later date.

Goose Creek Recreation Parks and Addresses

- Dogwood Park – 460 Liberty Hall Rd. – soccer field, football field, covered picnic area, grill, playground
- Etling Park – 100 Ellen Dr. - basketball court, covered picnic area, playground
- Eubanks Park – 125 Old Moncks Corner Rd. – basketball courts, sand volleyball court, tennis courts, covered picnic area, grill, playground – available for rentals
- Fairfax Park – 100 Fairfax Blvd. – grill, picnic area, playground
- Felkel Field Complex – 100 Lucy Dr. – baseball/softball fields, concession stand, restrooms, playground
- Forest Lawn Park – 100 Giles Dr. – grill, picnic tables, playground
- Foster Creek Park – 100 Foster Creek Rd. – soccer fields, concession stand, restrooms, Playground
- Lake Greenview Park – 1 Pandora Dr. – trails, covered picnic area, picnic tables, grill, Playground
- Oak Creek Park – 100 Persimmon Circle – covered picnic area, grill, playground
- Ryan Creek Park – 229 Janice St. – benches, playground
- St. James III Park – 1007 Willowood Ave. – covered picnic area, grill, playground
- St. James Park – 107 Westminster Blvd. – covered picnic area, playground, tennis court