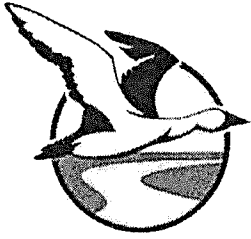


***SUPPORTING MATERIALS TO  
SPECIAL CITY COUNCIL MEETING***

***November 24, 2020***

***APPROVAL OF PREVIOUS MINUTES***



**MINUTES**  
**CITY OF GOOSE CREEK, SOUTH CAROLINA**  
**REGULAR CITY COUNCIL MEETING**  
**TUESDAY, OCTOBER 13, 2020 – 7:00 PM**  
**CITY HALL - COUNCIL CHAMBERS**  
**519 N GOOSE CREEK BOULEVARD**

**Mayor/Council Present:**

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

**City Staff:**

City Administrator Natalie Zeigler  
Police Chief LJ Roscoe  
Interim Fire Chief Norm Cutshall  
Public Information Officer Frank Johnson  
Finance Director Tyler Howanyk  
IT Director Ryan Byrd

**Press Present:**

None

**Guests Present:**

City Attorney Lawrence Flynn

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PURSUANT TO THE FREEDOM OF INFORMATION ACT SC CODE 30-4-80: WRITTEN NOTICE WAS DELIVERED TO THE PRESS BY EMAIL ON FRIDAY, OCTOBER 9, 2020 AND WAS 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 7:00 pm and requested Councilmember Corey McClary to lead in the invocation and Pledge of Allegiance.

Councilmember Tekac made a motion to amend the Agenda to Table items “a and b” under New Business & Public Hearings in reference to the electric utility, in light of the court’s ruling the day before and so City Council can receive additional information from legal counsel and decide which direction City Council will decide to go.

Motion: Councilmember Tekac; Second: Mayor Pro Tem Condon

Discussion: None.

Carried: All ayes.

**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.

Mayor Habib recognized a gentleman from the audience who stated his name (inaudible) and concerns about the City’s requirement to wear a mask when in public and in business establishments. Mayor Habib recognized a gentleman who stated his concerns about the South Carolina Department of Transportation’s Traffic Safety Project on St. James Avenue taking too long to start and recommended Jersey Barricades being put in place in the meantime to prevent further turning accidents on St. James Avenue (Hwy. 176).

**III. APPROVAL OF MINUTES:**

City Council Workshop – May 26, 2020

City Council Workshop – June 23, 2020

City Council Workshop – July 28, 2020  
City Council Meeting – September 8, 2020  
City Council Workshop – September 22, 2020

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

**IV. PRESENTATIONS & PROCLAMATIONS:**

None.

**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 223-13-04-004 (915 ST. JAMES AVENUE) INTO THE CITY OF GOOSE CREEK, A SOUTH CAROLINA MUNICIPAL CORPORATION **(Second and Final Reading of a Public Hearing)**

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

**VII. NEW BUSINESS & PUBLIC HEARINGS**

- a. AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN ELECTRIC SERVICE AGREEMENT; AND OTHER MATTERS RELATING THERETO **(Introduction and First Reading of a Public Hearing)**

Motion made to Table the proposed Ordinance, as stated earlier in the meeting.

- b. AN ORDINANCE SUPPLEMENTING ORDINANCE NO. 20-011 REGARDING THE CREATION OF THE CITY OF GOOSE CREEK MUNICIPAL ELECTRIC UTILITY SYSTEM; AND OTHER MATTERS RELATED THERETO **(Introduction and First Reading of a Public Hearing)**

Motion made to Table the proposed Ordinance, as stated earlier in the meeting.

- c. AN ORDINANCE TO AMEND THE “CODE OF ORDINANCES OF THE CITY OF GOOSE CREEK, SOUTH CAROLINA”, BY AMENDING TITLE XV–LAND USAGE, CHAPTER 151. ZONING, SECTION 151.105 ESTABLISHMENT OF DISTRICTS AND MAPS; AND INSERT SECTION 151.138 BUSINESS PROFESSIONAL OFFICE DISTRICT (BPO) TO PROVIDE ADDITIONS OF ZONING DISTRICTS OF THE CITY OF GOOSE CREEK **(Introduction and First Reading of a Public Hearing)**

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

- d. AN ORDINANCE TO RAISE REVENUE AND ADOPT A BUDGET FOR THE CITY OF GOOSE CREEK, SOUTH CAROLINA, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2021 AND ENDING DECEMBER 31, 2021 (Introduction and First Reading of a Public Hearing)

Mayor Habib stated there will be no property tax increase in 2021; however, there will be an increase in the Sanitation Fee. We need the Sanitation Department and that operation to pay for itself and be able to break even instead of supplement that service with monies from the General Fund. The City

has had to look at this from a business aspect and this helps us get there. It puts us in line a little more and a little less than others, but he believes most will agree the City's sanitation services far exceed others. He stated in light of COVID, our City is doing well considering and we do not expect a reduction in revenue from Business Licensing and other revenue streams.

Motion: Councilmember Tekac; Second: Councilmember Condon

Discussion: Councilmember McClary reminded residents to stay actively engaged and that the budget is available for its full review. Councilmember McSwain stated if anyone wishes to receive a copy of the budget, they can contact the City's Chief Financial Officer, Tyler Howanyk. Councilmember Tekac commented on some of new positions provided for in the FY 2021 Budget included two (2) additional Police Officers, one (1) new School Resource Officer, one (1) Fire Marshall, and a few other new positions, to include new vehicles to make sure the equipment for City staff is replaced as needed.

Carried: All ayes.

**e. AN ORDINANCE PROVIDING FOR A LOCAL ACCOMMODATIONS TAX (Introduction and First Reading of a Public Hearing)**

Mayor Habib explained the Local Accommodations Tax is a 1% tax and can be used in the same way as the Hospitality Tax, it would come from motel/hotel stays and it would assist the City in taking advantage of avenues of revenue that are out there already.

Motion: Councilmember Green-Fletcher; Second: Councilmember Harmon

Discussion: Councilmember Tekac stated he is opposed to adding an Accommodations Tax at this time and that the hotel industry is hurting right now and in conversations he has had with a local owner, he is currently operating at 40%. He stated the City does not have a large hotel revenue stream and he feels it is a bad time to add another tax, regardless if it is paid by people coming into the City and he would like to see the proposed Ordinance defeated today. Councilmember McClary stated he did not agree with Councilmember Tekac and that collecting roughly \$25,000, wherein those visiting would be paying the tax. Councilmember McSwain stated she is in favor of the Accommodations Tax and she presumes the intent of the tax is for those coming from out of town will be using our roads and infrastructure; this is basically compensation to our tax payers for things like that.

Carried: Six (6) ayes, One (1) nay.

**f. 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 243-03-06-031 (114 CHOWNINGS LANE) INTO THE CITY OF GOOSE CREEK, A SOUTH CAROLINA MUNICIPAL CORPORATION (Introduction and First Reading of a Public Hearing)**

Motion: Councilmember Green-Fletcher; Second: Councilmember McSwain

Discussion: None.

Carried: All ayes.

**VII. ADMINISTRATOR'S REPORT**

**a. Purchase Request – Security Software – IT Department**

Motion: Councilmember Harmon; Second: Councilmember Tekac

Discussion: None.

Carried: All ayes.

b. Reappointment of Municipal Judges

Motion: Mayor Pro Tem Condon; Second: Councilmember Green-Fletcher

Discussion: None.

Carried: All ayes.

**VIII. MAYOR'S REPORT**

Mayor Habib stated many are probably aware Judge Young made a decision yesterday, in the City's case, that the City of Goose Creek does not have the right to provide power to Century Aluminum and City Council respects the Court and his decision; however, they respectfully disagree with his decision and will find the path forward. He stated this was and still may be the opportunity for the City to bring in significant revenue into the municipality so we can provide the highest level of services without increasing taxes; it's an opportunity to not only keep 300 high paying jobs in our community, but to also add 300 high paying jobs in our community. It would have also given us the zoning control over that entire property for perpetuity. He stated the City did not have plans to move forward without the annexation of a significant part of that property, and that the people voted for through a Referendum. He stated he appreciates everyone's support and attention.

**IX. EXECUTIVE SESSION**

- a. SECTION 30-4-70 (A) (5) DISCUSSION OF LITIGATION MATTERS RELATING TO THE PROPOSED LOCATION, EXPANSION, OR THE PROVISION OF SERVICES ENCOURAGING LOCATION OR EXPANSION OF INDUSTRIES OR OTHER BUSINESSES IN THE AREA SERVED BY THE CITY (**Project Lightning Rod**)

Motion: Mayor Pro Tem Condon made a motion to go into Executive Session; Seconded by Councilmember Tekac.

Discussion: None.

Vote: ayes, 6:32 p.m.

Motion: Councilmember Tekac made a motion to adjourn Executive Session; Seconded by Councilmember Harmon.

Discussion: None.

Vote: All in favor. Motion carried. 7:14 p.m.

**X. ADJOURN**

Motion: Councilmember Tekac; Second: Mayor Pro Tem Condon

Discussion: None.

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

Date: November 24, 2020

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Kelly J. Lovette, MMC  
City Clerk

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

# ***OLD BUSINESS & PUBLIC HEARINGS***

**AN ORDINANCE TO REQUIRE FACE COVERINGS IN CERTAIN CIRCUMSTANCES; TO REAUTHORIZE AND AMEND THE AUTHORIZATION FOR ELECTRONIC MEETINGS; AND OTHER MATTERS RELATED THERETO**

WHEREAS, the 2019 Novel Coronavirus ("COVID-19") is a respiratory disease that can result in serious illness or death by the SARS-CoV-2 virus, which is a new strain of coronavirus previously unidentified in humans and which can spread from person to person;

WHEREAS, the Centers for Disease Control and Prevention (the "CDC") has warned of the high public health threat posed by COVID-19 globally and in the United States;

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary declared a public health emergency in the United States for COVID-19 under Section 391 of the Public Health Service Act;

WHEREAS, on March 13, 2020, the President of the United States declared that the COVID-19 outbreak in the United States constitutes a national emergency;

WHEREAS, on March 13, 2020, the Governor of the State of South Carolina (the "State") issued Executive Order 2020-08, declaring a State of Emergency based on a determination that COVID-19 poses an actual or imminent public health emergency for the State;

WHEREAS, the Governor of the State has subsequently declared a continued State of Emergency in Executive Orders 2020-15 (March 28), 2020-23 (April 12), 2020-29 (April 27), 2020-35 (May 12), 2020-38 (May 27), 2020-40 (June 11); 2020-42 (June 26); 2020-44 (July 11); 2020-48 (July 26); 2020-50 (August 2); 2020-53 (August 10); 2020-56 (August 25); 2020-59 (September 9); 2020-62 (September 24); 2020-63 (October 2); 2020-65 (October 9); and, 2020-67 (October 24);

WHEREAS, Goose Creek is experiencing a moderate increase in the number of identified new COVID-19 cases, and as of November 3, 2020, the South Carolina Department of Health and Environmental Control ("DHEC") is reporting that there have been 180,870 confirmed COVID-19 cases, 10,656 confirmed hospitalizations and 3,985 confirmed COVID-19 deaths in the State;

WHEREAS, Berkeley County is experiencing a moderate increase in the number of identified new COVID-19 cases, and as of November 3, 2020, the South Carolina Department of Health and Environmental Control ("DHEC") is reporting that there have been 6,327 confirmed COVID-19 cases in Berkeley County;

WHEREAS, the State of South Carolina is experiencing a drastic increase in the number of hospitalized individuals with COVID-19, and as of November 4, 2020, the South Carolina Department of Health and Environmental Control ("DHEC") is reporting COVID-19 patients hospitalized: 8,395; 1,174 in ICU; 533 ventilated in the State;

WHEREAS, the City Council finds it vitally important that individuals work together to decrease the widespread proliferation of COVID-19 among citizens of the City; and

WHEREAS, a South Carolina DHEC analysis of the local mask ordinance shows that as of this week, about two million South Carolinians live in cities or counties that have local mask mandates in place;

WHEREAS, when analysts compared areas with mask requirements with those that don't have an ordinance in the place, the jurisdictions with mask mandates have shown a 46.3% greater decrease in the total number of cases during the four weeks after the requirements were implemented;

WHEREAS, the data also shows that counties and cities with mask requirements saw a 15.1% decrease in cases four weeks after the requirements after mask mandates were in place. It is an overall decrease of 34.6 cases per 100,000 people;

WHEREAS, public health experts and officials have expressed concerns that the arrival of cooler weather will lead to more people staying indoors, where COVID-19 can spread more easily, and may increase community transmission of COVID-19; and



WHEREAS, particularly as public and private K-12 schools and higher education institutions in the tri-county and throughout the State of South Carolina continue to reopen, in whole or in part, for in-person instruction, it is critically important that the City remain vigilant in addressing COVID-19 by maximizing interagency coordination to facilitate the safe resumption or continuation of classroom instruction while simultaneously implementing measures to minimize the risk of community spread and transmission of COVID-19 in schools and other settings; and

WHEREAS, in light of the foregoing, and due to the continued spread of COVID-19, the significant number of individuals hospitalized in connection with the same, and the anticipated increase in hospitalizations in connection with influenza, the State of South Carolina must promptly take any and all necessary and appropriate steps to implement and expand certain mitigation efforts designed to reduce community transmission and to minimize the resulting strain on healthcare facilities and resources; and

WHEREAS, if COVID-19 cases continue to increase in the State, in Berkeley County, and in the City of Goose Creek, the demand for medical, pharmaceutical, personal, and general cleaning supplies may overwhelm sources of supply; the private and public sector workforce may be negatively impacted by absenteeism; and the demand for medical facilities may exceed available resources;

WHEREAS, health authorities, including the CDC, the Surgeon General of the United States and DHEC have recommended the use of face coverings as a means of preventing the spread of COVID-19;

WHEREAS, the Mayor of the City of Goose Creek has determined, based on the recommendations of public health experts and responsive to a serious threat to the public health, safety, and welfare of its citizens, that it would serve the public interest and be within the City of Goose Creek's police powers under Home Rule and S.C. Code § 5-7-60 to require that individuals wear face coverings in certain situations and locations;

WHEREAS, the South Carolina Attorney General, on June 25, 2020, issued a public statement that enacting local mask requirements is within the police power of municipalities and is not preempted by State law;

WHEREAS, on August 11, 2020, the City Council of the City of Goose Creek (the "*City Council*"), as the governing body of the City of Goose Creek, South Carolina (the "*City*") enacted Emergency Ordinance No. 2020-016 (the "*Prior Emergency Ordinance*") to temporarily authorize electronic meetings and to suspend other local procedural rules; and

WHEREAS, as the number of COVID-19 cases continues to grow in the State, the South Carolina Department of Health and Environmental Control ("*DHEC*") continues to warn of the risk of localized person-to-person spread of COVID-19, creating an extreme public health risk; and

WHEREAS, if COVID-19 continues to spread in the City and surrounding areas at its current rate, the number of persons relying on medical, pharmaceutical, and general cleaning supplies will increase, absenteeism will negatively impact the private and public sector work force, and the demand for medical facilities may exceed locally available resources; and

WHEREAS, the Centers for Disease Control and Prevention and DHEC advise the use of face coverings to slow the spread of COVID-19; and

WHEREAS, the Constitution of the State of South Carolina 1895, as amended (the "*Constitution*"), provides that "all laws concerning local government shall be liberally construed in their favor [and] [p]owers, duties and responsibilities granted local government subdivisions by this Constitution and by law shall include those fairly implied and not prohibited by this Constitution." See S.C. Const. Art. VIII, Sect. 17; and

WHEREAS, the City is expressly empowered pursuant to Section 5-7-30 of the South Carolina Code of Laws 1976, as amended, to "enact regulations, resolutions, and ordinances, not inconsistent with the Constitution and general law of this State, including the exercise of powers in relation to roads, streets, markets, law enforcement, health, and order in the municipality or respecting any subject which appears to it necessary and proper for the security, general welfare, and convenience of the municipality or for preserving health, peace, order, and good government in it ... "; and

**WHEREAS**, in construing Section 5-7-30, the South Carolina Supreme Court has previously held that "[m]unicipalities are granted broad police powers to enact ordinances with respect to any subject which appears necessary and proper for the security, general welfare and convenience of the municipality." *Peterson Outdoor Advert. v. City of Myrtle Beach*, 327 S.C. 230, 234, 489 S.E.2d 630, 632 (1997); *see also Town of Hilton Head Island v. Fine Liquors, Ltd.*, 302 S.C. 550, 553, 397 S.E.2d 662, 664 (1990); and

**WHEREAS**, in the absence of express preemption, "[w]here the General Assembly specifically recognizes a local government's authority to enact local laws in the same field, the statutory scheme does not evidence legislative intent to occupy the entire field of regulation." *Sandlands*, 394 S.C. at 466, 716 S.E.2d at 288 (2011); and

**WHEREAS**, in recent cases construing preemption in the State, the South Carolina Supreme Court has stated:

- (1) "An ordinance is preempted under implied field preemption when the state statutory scheme so thoroughly and pervasively covers the subject as to occupy the field or when the subject mandates statewide uniformity." *Aakjer v. City of Myrtle Beach*, 388 S.C. 129, 133, 694 S.E.2d 213, 215 (2010);
- (2) "To preempt an entire field, an act must make manifest a legislative intent that no other enactment may touch upon the subject in any way." *S.C. State Ports Auth. v. Jasper Cty.*, 368 S.C. 388, 395, 629 S.E.2d 624, 627 (2006);
- (3) When "the General Assembly specifically recognizes a local government's authority to enact local laws in the same field, the statutory scheme does not evidence legislative intent to occupy the entire field of regulation." *Sandlands C & D, LLC v. Cty. of Horry*, 394 S.C. 451, 466, 716 S.E.2d 280, 288 (2011); and

**WHEREAS**, in consideration of City's Home Rule powers, and the preemption cases recited above (which included a consideration of the provisions of Section 16-7-110 of the Code of Laws of South Carolina 1976, as amended), the South Carolina Attorney General, Alan Wilson, released a public statement on June 24, 2020 regarding the legality and validity of municipal ordinances requiring the wearing of masks wherein he publicly stated that "yes, a city can pass this type of ordinance"; and

**WHEREAS**, in light of the foregoing, to include the broad police powers of the City and the absence of State laws preempting the subject of this Ordinance, City Council finds it proper, necessary, and essential to enact this ordinance to require face coverings be worn by persons when interacting in public spaces in the City in order to meet the public health crisis facing the City; and

**WHEREAS**, it is hereby determined that the continuation and spread of COVID-19 represents a public emergency affecting life, health, and safety, and therefore, it is proper, necessary, and essential to enact this Ordinance.

**NOW THEREFORE**, be it hereby ordained in this meeting of the City Council, as follows:

**Section 1. Recitals.**

Each finding or statement of fact set forth in the recitals hereinabove has been carefully examined and has been found to be in all respects true and correct.

**Section 2. Requirement of Face Coverings.**

- (a) Terms using initial capitals in this Section 2 shall have the following definitions:
  1. "City" means the City of Goose Creek, South Carolina.
  2. "Face Covering" shall mean a cloth, fabric, textile, or impervious material without holes, that covers both the mouth and nose, including but not limited to surgical masks, respirators, face shields, handmade masks, bandanas, neck gaiters, scarves or wraps.
  3. "Household" means Persons living in the same dwelling unit. Household does not include residents of separate dwelling units at the same location, such as may be the case at a dormitory, apartment complex or other multi-family housing complex.

4. "Person" means any human being in the City. For purposes of this Section 2, Person does not include: (i) children younger than 3 years old; (ii) individuals with medical conditions, mental health conditions, or disabilities which prevent the wearing of a Face Covering; (iii) individuals who are hearing impaired, or who are communicating with an individual who is hearing impaired, where the ability to see mouth function is essential to communication; (iv) individuals, while working, for whom wearing a Face Covering would create a risk to such individual related to their work, as dictated by local, state or federal regulations or applicable workforce guidelines; and (v) individuals receiving or obtaining medical service or treatment involving the mouth or nose wherein temporary removal of a Face Covering is necessary to perform the service or treatment.

(b) The use of a Face Covering is required by every Person within the boundaries of the City as detailed below. Every Person must wear Face Covering at all times when: (1) inside any building which is open to the public; (2) waiting to enter any building which open to the public; (3) engaging in business activities in public, commercial, or industrial spaces; (4) utilizing public or commercial transportation services.

(c) Face Coverings are not required when a Person is: (1) traveling in a private vehicle; alone in an enclosed space or able maintain a minimum distance of six feet from other Persons at all times; (3) outdoors and able maintain a minimum distance of six feet from other Persons at all times; (4) alone or only with other Household members; (5) drinking, eating or smoking (where smoking is permitted); (6) inside a private residence, including curtilage thereof; or (7) complying with a request of law enforcement.

**Section 3. Reauthorization and Amendment of the Prior Emergency Ordinance.** The prior Emergency Ordinance expired by its terms on October 11, which was the sixty-first day after its enactment. The City Council hereby reauthorizes the provisions of the Prior Emergency Ordinance related to electronic meetings, hearings and other procedures until this Ordinance expires pursuant to Section 5 hereof. However, Section 3 of the Prior Emergency Ordinance is amended and restated in its entirety, as follows:

**"Section 3.**

A. *Public Comment.* With respect to any electronic meeting, any public comment periods provided for by local ordinance, resolution, policy, or bylaws are hereby suspended. However, members of the public may submit written public comments to the City Clerk no later than one hour prior to any regular meeting, which shall be distributed to the members of the Governing Body at such meeting, and the Mayor shall read such comments aloud during the public comment period. Members of the public wishing to speak during the meeting shall sign up with the City Clerk no later than one hour prior to the scheduled time of the meeting. The City Clerk shall contact those who wish to speak at during the meeting by phone, in the order the requests were received, to permit them to address the Governing Body at the appropriate time during the meeting. All public input shall otherwise be conducted in accordance with all other Rules and Procedures of the Governing Body.

B. *Public Hearings.* With respect to any public hearing that is required by law to be held in connection with any proposed action of the Governing Body, electronic public hearings shall be permitted. Members of the public wishing to provide written comments for any such public hearing may email comments to the City Clerk no later than one hour prior to the scheduled time for such public hearing, and the Mayor shall read such comments aloud during the public hearing. Members of the public wishing to speak at the public hearing shall sign up with the City Clerk no later than one hour prior to the scheduled time for the public hearing. The City Clerk shall contact those who wish to speak at the public hearing by phone, in the order the requests were received, to admit them to the public hearing. Public hearings shall otherwise be conducted in accordance with all other Rules and Procedures of the Governing Body. Notices of public hearings shall include detailed instructions regarding the manner in which the public hearing shall be held.

C. *Suspension of Local Provisions.* During the period of effectiveness of this Ordinance, any ordinance, resolution, policy, or bylaw of the Governing Body that conflicts with the provisions hereof is suspended and shall be superseded hereby."

**Section 4. Effective Date; Expiration.** This Ordinance shall take effect immediately upon passage of the second reading but may be terminated by the issuance of a Resolution or shall automatically expire upon termination or expiration of the Emergency Declaration and Ordinance regarding COVID-19 or the Governor’s Emergency Declaration, whichever date is earlier.

All ordinances in conflict with this ordinance are hereby repealed.

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

INTRODUCED the 10 day of November 2020.

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

**CITY OF GOOSE CREEK, SOUTH CAROLINA**

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

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

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

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

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

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

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

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

***BUSINESS (DISCUSSION ONLY)***

**APPRAISAL OF REAL PROPERTY**



**LOCATED AT**

Lindy Creek Road  
Goose Creek, SC 29445  
Portion of 244-05-01-059

**FOR**

Erin Brady

**OPINION OF VALUE**

2,000

**AS OF**

10/16/2020

**BY**

Jason Reese  
Jason Reese  
102 N Norfolk Way  
Goose Creek, SC 29445  
(843) 814-5708  
jasonreese@comcast.net

ERIN  
BRADY  
843-990-8209

~~INTERIOR~~

DreamVest Appraisal Corp.  
**LAND APPRAISAL REPORT**

2020-1001  
File No. 2020-1001

**SUBJECT**  
 Borrower Erin Brady Census Tract 0208.07 Map Reference 16700  
 Property Address Lindy Creek Road  
 City Goose Creek County Berkeley State SC Zip Code 29445  
 Legal Description Portion of 244-05-01-059  
 Sale Price \$ N/A Date of Sale N/A Loan Term N/A yrs. Property Rights Appraised  Fee  Leasehold  De Minimis PUD  
 Actual Real Estate Taxes \$ N/A (yr) Loan charges to be paid by seller \$ \_\_\_\_\_ Other sales concessions \_\_\_\_\_  
 Lender/Client Erin Brady Address \_\_\_\_\_  
 Occupant Vacant Appraiser Jason Reese Instructions to Appraiser \_\_\_\_\_

**NEIGHBORHOOD**

Location	<input type="checkbox"/> Urban	<input checked="" type="checkbox"/> Suburban	<input type="checkbox"/> Rural	Good	Avg.	Fair	Poor
Built Up	<input type="checkbox"/> Over 75%	<input checked="" type="checkbox"/> 25% to 75%	<input type="checkbox"/> Under 25%	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Growth Rate	<input type="checkbox"/> Fully Dev.	<input type="checkbox"/> Rapid	<input checked="" type="checkbox"/> Steady	<input type="checkbox"/> Slow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Property Values	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Demand/Supply	<input type="checkbox"/> Shortage	<input checked="" type="checkbox"/> In Balance	<input type="checkbox"/> Oversupply	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marketing Time	<input type="checkbox"/> Under 3 Mos.	<input checked="" type="checkbox"/> 4-6 Mos.	<input type="checkbox"/> Over 6 Mos.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Present	<input type="checkbox"/> 85 % One-Unit	<input type="checkbox"/> % 2-4 Unit	<input type="checkbox"/> % Apts.	<input type="checkbox"/> % Condo	<input type="checkbox"/> % Commercial	<input type="checkbox"/>	<input type="checkbox"/>
Land Use	<input type="checkbox"/> % Industrial	<input type="checkbox"/> 15 % Vacant	<input type="checkbox"/> %	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Change in Present Land Use	<input checked="" type="checkbox"/> Not Likely	<input type="checkbox"/> Likely (*)	<input type="checkbox"/> Taking Place (*)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Predominant Occupancy	<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Tenant	<input type="checkbox"/> 5 % Vacant	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
One-Unit Price Range	\$ <u>125,000</u> to \$ <u>250,000</u>	Predominant Value \$ <u>150,000</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
One-Unit Age Range	<u>1</u> yrs. to <u>65</u> yrs.	Predominant Age <u>45</u> yrs.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments including those factors, favorable or unfavorable, affecting marketability (e.g. public parks, schools, view, noise) The subject's market area consists of homes and lots in the Goose Creek area. Appeal is good. Area employment base, shopping, schools and support services are within 1-2 miles in Goose Creek. Utilities appear to be adequate. Police and fire protection is considered average.

**SITE**

Dimensions Area determined by GIS calculation = Approx 16 Acres  Corner Lot  
 Zoning Classification Residential Present Improvements  Do  Do Not Conform to Zoning Regulations  
 Highest and Best Use  Present Use  Other (specify) \_\_\_\_\_  
 Public  Other (Describe) \_\_\_\_\_  
 Eloc.  Gas  Water  San. Sewer  Underground Elect. & Tel. \_\_\_\_\_  
 OFF SITE IMPROVEMENTS  
 Street Access  Public  Private \_\_\_\_\_  
 Surface Asphalt Maintenance  Public  Private \_\_\_\_\_  
 Storm Sewer  Curb/Gutter  Sidewalk  Street Lights \_\_\_\_\_  
 Topo Level Size Approximately .16 Acres  
 Shape Irregular View Neighborhood Drainage Adequate  
 Is the property located in a FEMA Special Flood Hazard Area?  Yes  No  
 Comments (favorable or unfavorable including any apparent adverse easements, encroachments, or other adverse conditions) There appears to be no adverse easements or encroachments. Public water and sewer are typical for the area. Site appears to conform to zoning currently in place. This portion of the property is separated from the rest of the property by Lindy Creek Road and does not appear to have significant potential for development or use other than excess land.

**MARKET DATA ANALYSIS**

The undersigned has recited the following recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to or more favorable than the subject property, a minus (-) adjustment is made, thus reducing the indicated value of subject; if a significant item in the comparable is inferior to or less favorable than the subject property, a plus (+) adjustment is made thus increasing the indicated value of the subject.

ITEM	SUBJECT PROPERTY	COMPARABLE NO. 1	COMPARABLE NO. 2	COMPARABLE NO. 3			
Address	Lindy Creek Rd Goose Creek, SC 29445	193 James St Summerville, SC 29483	0 Vardon Dr Summerville, SC 29483	30 Bonnie Bum Rd Goose Creek, SC 29445			
Proximity to Subject		10.38 miles W	10.28 miles W	1.68 miles SE			
Sales Price	\$ N/A	\$ 2,600	\$ 2,300	\$ 2,000			
Price \$	\$	\$	\$	\$			
Data Source(s)	Insp/Survey/Tax Rc.	County Tax Records	CTARMLS	CTARMLS			
ITEM	DESCRIPTION	DESCRIPTION	+(-) \$ Adjust.	DESCRIPTION	+(-) \$ Adjust.	DESCRIPTION	+(-) \$ Adjust.
Date of Sale/Time Adj.	N/A	05/2019		02/2018		12/2018	
Location	Suburban	Suburban		Suburban		Suburban	
Site/View	Approx .16 Ac/Res	21 Acres/Res		0.31 Acres/Res	-500	.19 Acres/Res	0
Sales or Financing Concessions	None Noted	None Noted		None Noted		None Noted	
Net Adj. (Total)		<input type="checkbox"/> + <input type="checkbox"/> - \$		<input type="checkbox"/> + <input checked="" type="checkbox"/> - \$	-500	<input type="checkbox"/> + <input type="checkbox"/> - \$	
Indicated Value of Subject		\$ 2,600		\$ 1,800		\$ 2,000	

Comments on Market Data Comps are adjusted for site value to reflect the difference in size. The subject is a small portion of a parent property and is separated buy the street, and comps of similar utility or lack of utility were selected from primarily the tax records. Properties of this type are rarely market sales because of their lack of appeal to the general buyer.

**RECONCILIATION**

Comments and Conditions of Appraisal Appraised "As-Is", no conditions noted.

Final Reconciliation Most weight given the Sales Comparison Analysis as it is considered the best indicator to market value. Indicated Value is supported by sold comparable properties and current listings.

I (WE) ESTIMATE THE MARKET VALUE, AS DERIVED, OF THE SUBJECT PROPERTY AS OF 10/16/2020 TO BE \$ 2,000

Appraiser Jason Reese Supervisory Appraiser (if applicable) \_\_\_\_\_  
 Date of Signature and Report 10/22/2020 Date of Signature \_\_\_\_\_  
 Title Certified Residential Title \_\_\_\_\_  
 State Certification # 4145 ST SC State Certification # \_\_\_\_\_ ST \_\_\_\_\_  
 Or State License # \_\_\_\_\_ ST \_\_\_\_\_ Or State License # \_\_\_\_\_ ST \_\_\_\_\_  
 Expiration Date of State Certification or License 06/30/2022 Expiration Date of State Certification or License \_\_\_\_\_  
 Date of Inspection (if applicable) 10/16/2020  Did  Did Not Inspect Property Date of Inspection \_\_\_\_\_

**DEFINITION OF MARKET VALUE:** The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he considers his own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions\* granted by anyone associated with the sale. (Source: FDIC Interagency Appraisal and Evaluation Guidelines, October 27, 1994.)

\* Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgment.

## STATEMENT OF LIMITING CONDITIONS AND CERTIFICATION

**CONTINGENT AND LIMITING CONDITIONS:** The appraiser's certification that appears in the appraisal report is subject to the following conditions:

1. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it. The appraiser assumes that the title is good and marketable and, therefore, will not render any opinions about the title. The property is valued on the basis of it being under responsible ownership.
2. Any sketch provided in the appraisal report may show approximate dimensions of the improvements and is included only to assist the reader of the report in visualizing the property. The appraiser has made no survey of the property.
3. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand, or as otherwise required by law.
4. Any distribution of valuation between land and improvements in the report applies only under the existing program of utilization. These separate valuations of the land and improvements must not be used in conjunction with any other appraisal and are invalid if they are so used.
5. The appraiser has no knowledge of any hidden or unapparent conditions of the property or adverse environmental conditions (including the presence of hazardous waste, toxic substances, etc.) that would make the property more or less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied, regarding the condition of the property. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. This appraisal report must not be considered an environmental assessment of the subject property.
6. The appraiser obtained the information, estimates, and opinions that were expressed in the appraisal report from sources that he or she considers to be reliable and believes them to be true and correct. The appraiser does not assume responsibility for the accuracy of such items that were furnished by other parties.
7. The appraiser will not disclose the contents of the appraisal report except as provided for in the Uniform Standards of Professional Appraisal Practice, and any applicable federal, state or local laws.
8. The appraiser has based his or her appraisal report and valuation conclusion for an appraisal that is subject to satisfactory completion, repairs, or alterations on the assumption that completion of the improvements will be performed in a workmanlike manner.
9. The appraiser must provide his or her prior written consent before the lender/client specified in the appraisal report can distribute the appraisal report (including conclusions about the property value, the appraiser's identity and professional designations, and references to any professional appraisal organizations or the firm with which the appraiser is associated) to anyone other than the borrower, the mortgagee or its successors and assigns; the mortgage insurer, consultants; professional appraisal organizations; any state or federally approved financial institution; or any department, agency, or instrumentality of the United States or any state or the District of Columbia; except that the lender/client may distribute the property description section of the report only to data collection or reporting service(s) without having to obtain the appraiser's prior written consent. The appraiser's written consent and approval must also be obtained before the appraisal can be conveyed by anyone to the public through advertising, public relations, news, sales, or other media.
10. The appraiser is not an employee of the company or individual(s) ordering this report and compensation is not contingent upon the reporting of a predetermined value or direction of value or upon an action or event resulting from the analysis, opinions, conclusions, or the use of this report. This assignment is not based on a required minimum, specific valuation, or the approval of a loan.




**CERTIFICATION:** The appraiser certifies and agrees that:

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
3. Unless otherwise indicated, I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
4. Unless otherwise indicated, I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
5. I have no bias with respect to the property that is the subject of this report or the parties involved with this assignment.
6. My engagement in this assignment was not contingent upon developing or reporting predetermined results.
7. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
8. My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice that were in effect at the time this report was prepared.
9. Unless otherwise indicated, I have made a personal inspection of the interior and exterior areas of the property that is the subject of this report, and the exteriors of all properties listed as comparables.
10. Unless otherwise indicated, no one provided significant real property appraisal assistance to the person(s) signing this certification (if there are exceptions, the name of each individual providing significant real property appraisal assistance is stated elsewhere in this report).

**ADDRESS OF PROPERTY ANALYZED:** Lindy Creek Road, Goose Creek, SC 29445

**APPRAISER:**

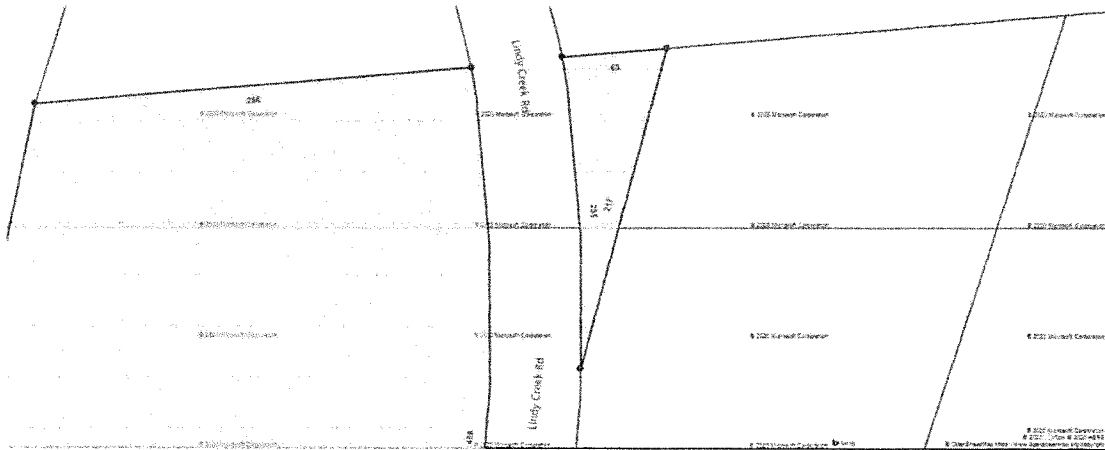
Signature:   
Name: Jason Reese  
Title: Certified Residential  
State Certification #: 4145  
or State License #:  
State: SC Expiration Date of Certification or License: 06/30/2022  
Date Signed: 10/22/2020

**SUPERVISORY or CO-APPRAISER (if applicable):**

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
State Certification #: \_\_\_\_\_  
or State License #: \_\_\_\_\_  
State: \_\_\_\_\_ Expiration Date of Certification or License: \_\_\_\_\_  
Date Signed: \_\_\_\_\_  
 Did  Did Not Inspect Property

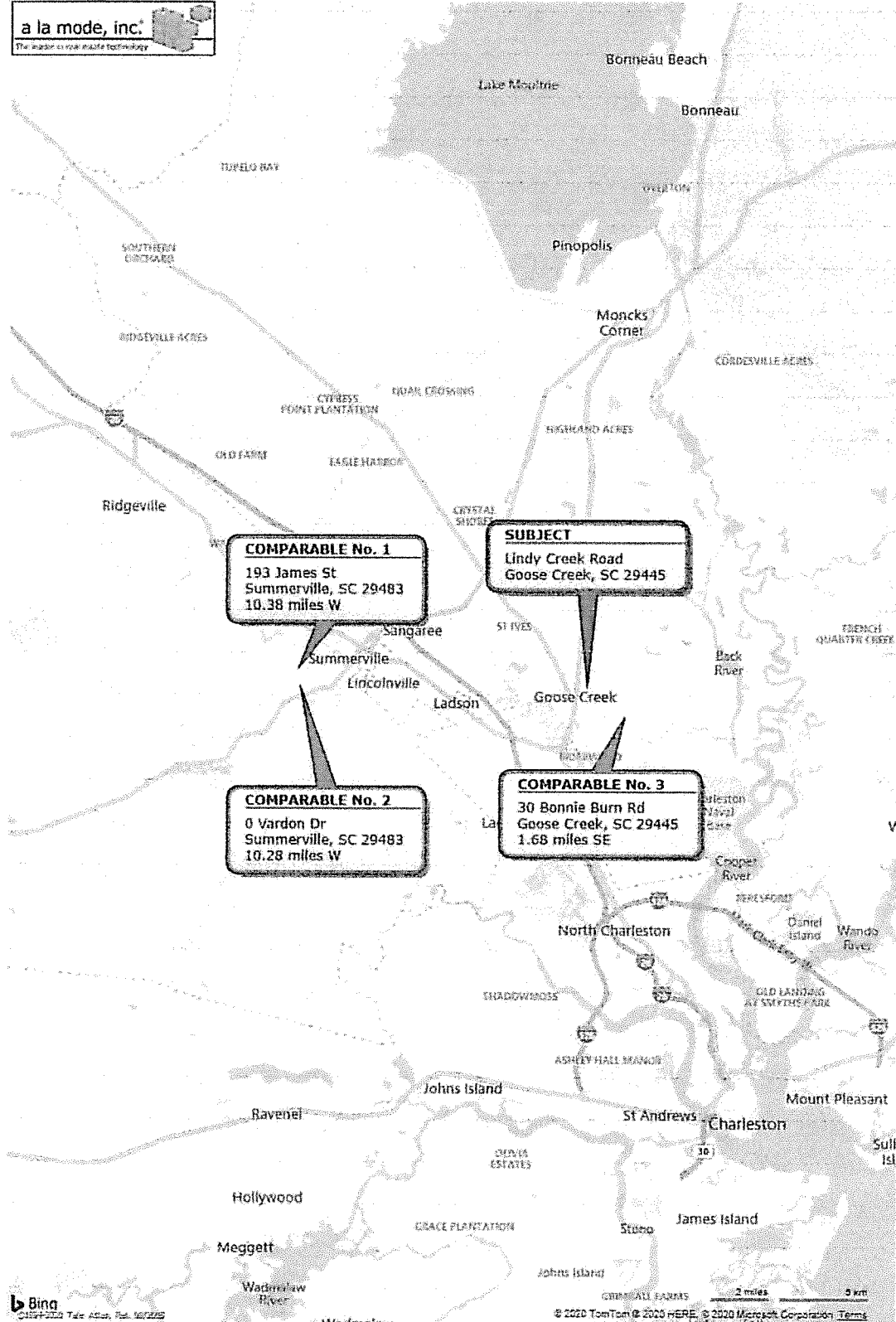
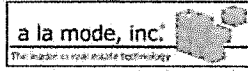
### Plat Map

Borrower	Erin Brady			
Property Address	Lindy Creek Road			
City	Goose Creek	County	Berkeley	State SC Zip Code 29445
Lender/Client	Erin Brady			



## Location Map

Borrower	Erin Brady				
Property Address	Lindy Creek Road				
City	Goose Creek	County	Berkeley	State	SC Zip Code 29445
Lender/Client	Erin Brady				

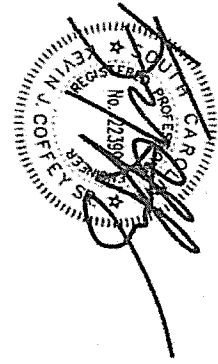


Bing  
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2 miles 5 km  
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# Site Map

- GENERAL NOTES:
- 1) THE APPROVED SYSTEM WILL FUNCTION SATISFACTORILY AND IN ACCORDANCE WITH ALL REQUIREMENTS OF SOHREC REGULATION 61-56.
  - 2) THE ENGINEER IS RESPONSIBLE FOR SUPERVISING CONSTRUCTION, INSPECTION AND PREPARATION OF AS-BUILT PLANS OF ACTUAL INSTALLATION.
  - 3) THE SYSTEM IS NOT BEING BUILT IN METERS.



Lowcountry Land Development Consultants  
3030 Ashley Town Center Drive, Suite 101-A  
Charleston, SC 29414  
843-266-3996

PREPARED FOR:  
ERIN BRADY

TMS 244-05-01-096  
LINDY CREEK ROAD  
BERKELEY COUNTY

SCALE: 1"=60'

