

EMERGENCY ORDINANCE TO PERMIT AND ALLOW FOR ELECTRONIC MEETINGS OF CITY BOARDS AND COMMISSIONS; AND OTHER MATTERS RELATED THERETO

WHEREAS, on March 13, 2020, Governor Henry McMaster issued Executive Order No. 2020-08 related to 2019 Novel Coronavirus (“**COVID-19**”) and declared that a State of Emergency exists in South Carolina; and

WHEREAS, on March 15, 2020, the Centers for Disease Control and Prevention issued guidance recommending the suspension of large events and mass gatherings that consist of 50 people or more in order to slow the spread of COVID-19;¹ and

WHEREAS, on March 21, 2020, the City of Goose Creek suspended the normal operating procedures for City Council of the City of Goose Creek (the “**City Council**”), the governing body of the City; and

WHEREAS, while it is imperative for local government to continue to operate during States of Emergency, it is equally imperative for local governments to take steps to minimize the need for large gatherings in order to protect public health and safety and the health and safety of local government officials and staff; and

WHEREAS, the South Carolina Freedom of Information Act, which is codified at Title 30, Chapter 4 of the Code of Laws of South Carolina 1976, as amended, (the “**Act**”) defines a “Meeting” as “the convening of a quorum of the constituent membership of a public body, whether corporal *or by means of electronic equipment*, to discuss or act upon a matter over which the public body has supervision, control, jurisdiction or advisory power” (emphasis added); and

WHEREAS, due to the State of Emergency related to COVID-19, it is advisable to make provisions for the holding of electronic public meetings, while ensuring any electronic meeting fully complies with the open meeting requirements of the Act; and

WHEREAS, the Act further permits that emergency meetings of public bodies may be held without having provided twenty-four hours’ notice of such meeting; and

WHEREAS, South Carolina law provides that cities may enact emergency ordinances to meet public emergencies affecting life, health, safety or the property of the people upon a single reading, provided that such ordinance does not levy taxes, grant, renew or extend a franchise or impose or change a service rate, upon the affirmative vote of at least two-thirds of the city council present, and provided that such emergency ordinance shall expire automatically on the sixty-first day following its enactment.

NOW THEREFORE, be it hereby ordained by the City Council, as follows:

Section 1. The City temporarily suspends the normal operating procedures of City’s various boards, commissions, and committees in order to allow the meetings thereof to be conducted using electronic means; provided that such electronic means conforms to the standards

¹ On Monday, March 16, 2020, President Donald Trump issued guidelines that called for Americans to avoid social gatherings of more than 10 people.

set forth for meetings of the City Council Emergency Resolution enacted on March 21st, 2020 (the “*Emergency Resolution*”). In the event that the City Council shall amend the Emergency Resolution, such amendments shall also apply to all of the City’s various boards, commissions, and committees.

Section 2. To the extent that any board, commission, or committee of the City is authorized by South Carolina law to establish its own rules of procedure, the procedures set forth in the Emergency Resolution for electronic meetings shall apply by default, unless such board, commission, or committee takes action to the contrary. To the extent that any provision of South Carolina law permits the City to adopt rules of procedure for any board, commission, or committee by ordinance or otherwise, this Ordinance shall suffice to fulfill that purpose during its term of effectiveness.

Section 3. With respect to any electronic meeting, any public comment periods provided for by local resolution, policy or bylaws are hereby suspended. However, members of the public may either (i) submit written public comments which shall be distributed to members of the City Council, or (ii) make a written request to the moderator (as provided in the agenda materials) of the electronic meeting (at any time after the agenda for such meeting is posted until 15 minutes in advance of the start of such meeting) to make a presentation during a public comment period or public hearing.

Section 4. The provisions hereof shall be effective upon a single two-thirds vote of the Council and shall expire on the sixty-first day following the effective date hereof.

DONE AS AN EMERGENCY ORDINANCE AT A SPECIAL CITY COUNCIL MEETING, and approved at a meeting duly assembled by no less than an affirmative vote of two-thirds of the members of the Council present, this 30th day of March, 2020.

**CITY OF GOOSE CREEK,
SOUTH CAROLINA**

Mayor Gregory Habib

[SEAL]

ATTEST:

City Clerk Kelly J. Lovette

LICENSE AGREEMENT FOR USE OF DRAINAGE EASEMENTS

THIS LICENSE AGREEMENT FOR USE OF DRAINAGE EASEMENTS (this “License”) is made and entered into as of this ____ day of March, 2020, by **THE CITY OF GOOSE CREEK** (“Licensor”) for the benefit of **REFUEL OPERATING COMPANY, LLC**, a South Carolina limited liability company, its successors and assigns (collectively, “Licensee”).

WHEREAS, Licensee is the current or soon to be owner of that certain 2.00 acre parcel of real property shown as Parcel I, Lot 1 on that certain Plat of the Subdivision of Carnes Crossroads West Tract (1,577.70 acres) recorded on January 10, 2020 at 1:15:19 PM in the Register of Deeds for Berkeley County as document number 2020001036 (the “Refuel Property”); and

WHEREAS, Licensor is the beneficiary of certain stormwater drainage easements more particularly shown on that certain Final Subdivision Plat of Carnes Crossroads West Tract Residual (1,809.25 acres) recorded on May 19, 2017 at 2:21:45 PM in Plat Cabinet S, Page 210q (the “Drainage Easements”); and

WHEREAS, the Drainage Easements benefit the Refuel Property and are essential for stormwater drainage discharge from the Refuel Property; and

WHEREAS, Licensor has approved the proposed drainage plans for improvements contemplated to be constructed at the Refuel Property; and

WHEREAS, Licensor desires to grant to Licensee an irrevocable license to use the Drainage Easements and Licensee desires to accept such license.

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Licensor hereby grants the following license to Licensee:

1. Licensor hereby grants to Licensee (its successors and assigns) a non-exclusive, irrevocable license for the Refuel Property to use the Drainage Easements and related storm drainage facilities connected to the Drainage Easements for the benefit of the Refuel Property.

2. This License shall be binding on and inure to the benefit of Licensor and Licensee and their respective successors and assigns.

3. Licensor will make no modifications to the easement which substantially reduce Licensee’s use of the easement without the prior written consent of Licensee or the then-current owner of the Refuel Property, which consent shall not be unreasonably withheld, conditioned or delayed. This only promises a right to access to Licensee to the easement. It does not guarantee any particular drainage capacity to Licensee. It is understood that Licensee and its drainage water will be given no priority over other users of the easement.

4. This License shall be governed by the laws of the State of South Carolina.

[Signatures on Following Pages]

