

Special City Council Meeting
January 28, 2020
6:00 P.M.
City Hall

Council Members 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

Council Members Absent:

Staff Present:

City Administrator Jake Broom; Assistant City Administrator Daniel Moore; City Clerk Kelly J. Lovette; Director of Economic Development Matt Brady; Finance Director Tyler Howanyk; Public Information Officer Frank Johnson; Battalion Chief Jared Harris

Staff Absent:

City Attorney Lawrence Flynn

Press Present:

None

Guests Present:

None

I. Call to Order:

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

II. New Business:

Mayor Habib read the proposed Ordinance before City Council to amend and supplement the City's Budget for the fiscal year ending December 31, 2020.

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CITY'S BUDGET FOR THE FISCAL YEAR ENDING DECEMBER 31, 2020; AND OTHER MATTERS RELATED THERETO (Introduction & First Reading)

He stated the proposed Ordinance would allow for expenditures related to the ongoing electric utility and all expenditures covered under the amendment would be made by Century Aluminum, as part of the Agreement; however, because the monies are being spent on the City's behalf and the City is directing its payment, the City must prepare a budget amendment to that end. Mayor Habib inquired if City Council wished to take any action.

Councilmember Tekac made a motion to approve the proposed Ordinance to amend to the FY 2020 budget, as stated by Mayor Habib. Councilmember Green-Fletcher seconded the motion. Mayor Habib requested the City's attorney Lawrence Flynn to brief City Council as to why the proposed Ordinance is required. Mr. Flynn stated under State law and under the Constitution, a local governing body is required to adopt a balanced budget every single year, and when City Council adopted their budget back in November 2019, the results of the referendum for the potential creation of the electric utility system had not been finalized and as a result of that, it was premature to include any budget authorizations for the electric utility in the original budget; and, now that the referendum has been successful, State law requires a balanced budget, and appropriations have to be made through a budgeted authorization so there is a balance of revenues and expenses. Therefore, the purpose of the proposed Ordinance is to simply amend the budget Ordinance City Council has already adopted to specifically authorize and implement the expenditure of funds that will be reimbursed, as Mayor Habib has already noted. And, based on the reimbursement arrangement the City already has with Century Aluminum, but because it is the appropriation of public dollars, even through a third party agency, they wanted to make sure everything was done

above board and the appropriation was valid and is explicitly stated by Ordinance. He stated similar to the City's regular budget process, a Notice of Public Hearing has already been run that past Friday in anticipation of second reading occurring on February 11, 2020, prior to potentially taking action to approve the amended budget Ordinance at a second reading. Mayor Habib stated the amount being appropriated is \$1,400,000. Mr. Flynn thoroughly answered all of City Council's questions. Hearing nothing further, Mayor Habib called for the vote. All in favor, none opposed. Motion carried.

III. Staff Presentations & Updates:

a. Building Code Ordinance Update

Mr. Broom stated the first item is a Building Code Ordinance Update and it will go before City Council for first reading in February. He stated the new International Building Codes the State has authorized the City to adopt includes a few things the City's current Code does not cover; for example, primarily solar energy, and swimming pools and spas that are not in the current Code of Ordinances. He stated the current Code adopts all appendices of the International Code and the City's current Code does not specifically adopt the administrative functions to govern the enforcement of the Code. Mr. Broom also reviewed the City staff proposals for permit fee updates. Mr. Thurman Pellow, Chief Building Official, thoroughly answered any questions by City Council.

b. Briefing on Proposed Legislation – H. 4431 – Business License Bill

Mr. Broom brief City Council with an overview and an update of the Business License Bill, H. 4431, currently under review in the State Legislature. Mr. Broom provided City Council with a quick overview of how business license fees are calculated within the City and almost every other city, so they have an idea of what they are talking about. He stated the first important point is that businesses are based on their profitability of their industry, which is determined by the Internal Revenue Service (IRS) and that is part of the formula used by the City to calculate a rate fee. Mr. Broom continued to thoroughly brief City Council with a breakdown of how a business license fee is calculated and the proposal of H. 4431 to charge different fees of a similar business inside city limits versus outside city limits and it hands over the processing of payments to the Secretary of State's Office which would require an online portal which City staff supports, and it allows businesses to use one website to pay their license fees in all the cities at once. Mr. Broom stated the Secretary of State's Office has no desire to be involved in the collection of business license fees. He continued with his briefing to City Council regarding the current status, as well as some of the ongoing discussions amongst other agencies and organizations throughout the State; there was a brief discussion concerning the proposed House Bill, Mr. Broom thoroughly answered all of City Council's questions.

IV. City Council discussion items:

a. Cultural Arts Commission Vacancies (Requested by Councilman McClary) – Councilmember McClary stated there was a recent vacancy on the Cultural Arts Commission, and he wanted share Ms. Linda Bonesteel's resume with City Council. He stated Ms. Bonesteel recently submitted her resume and it has been provided to each member of City Council.

V. Executive Session (No action will be taken on items discussed in executive session.)

a. SECTION 30-4-70 (A) (5) DISCUSSION OF 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)

b. SECTION 30-4-70 (A) (2) DISCUSSION OF NEGOTIATIONS INCIDENT TO PROPOSED SALE OR PURCHASE OF PROPERTY – (TMS# 243-04-00-008 – 101 Button Hall Avenue – Old Fire Station I)

c. SECTION 30-4-70 (A) (2) DISCUSSION OF NEGOTIATIONS INCIDENT TO THE PROPOSED OR PURCHASE OR PROPERTY – (TMS# 243-04-00-032 & 243-04-00-012 – Shannon Park)

Councilmember Tekac made a motion to go into executive session. Mayor Pro Tem Condon seconded the motion. All in favor, none opposed. (6:34 p.m.)

Mayor Pro Tem Condon made a motion to come out of executive session. Councilmember Harmon seconded the motion. All in favor, none opposed. (8:00 p.m.)

VII. Adjourn:

Mayor Pro Tem Condon made a motion to adjourn. Councilmember Harmon seconded the motion. All in favor, none opposed. Meeting adjourned at 8:00 p.m.

Date: February 11, 2020

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.