

**City Council Meeting**  
**July 14, 2015**  
**7:00 P.M.**  
**City Hall**

**Council Members Present:**

Mayor Michael J. Heitzler; Mayor Pro Tem Mark A. Phillips; Councilmember Jerry Tekac; Councilmember Debra Green-Fletcher; Councilmember John McCants

**Council Members Absent:**

Councilmember James (Kimo) Esarey; Councilmember Franklin Moore

**Staff Present:**

City Administrator Dennis C. Harmon; City Clerk Kelly J. Lovette; Police Chief Harvey Becker; Fire Chief Steve Chapman; Finance Director Ron Faretra; Director of Public Works Steve Price; Director of Recreation Gary Stuber; Director of Golf Operations Troy Sanders; Director of Planning and Zoning Sarah Hanson

**Staff Absent:**

**Invocation:**

Councilmember Jerry Tekac

**Pledge of Allegiance:**

Mayor Heitzler

**Press Present:**

**Guests Present:**

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**I. Call to Order:**

Mayor Heitzler called the meeting to order at 7:00 p.m.

**II. Comments from the Audience:**

Mayor Heitzler recognized Mrs. Mary Kay Ramey, the President of the Ladies Crowfield Golf Association. She stated the front nine of the golf course reopened after 2 months of closure and she thanked the City for the needed repairs. She stated they love it and she knew the back of the course was now closed for repairs; and, in a couple of months the golf course would be really nice. Mayor Heitzler stated Councilmember Esarey and Councilmember Moore were unable to attend the meeting. Mayor Heitzler recognized Mr. Joel Eaton who inquired what the City's responsibility was for fixing sidewalks. Mayor Heitzler stated whoever owned the sidewalk was responsible for repairs; a private sidewalk on a "Homeowners Association Property" (HOA) property should be repaired by the HOA and a sidewalk on a road maintained by the County, should be repaired by Berkeley County. Mayor Heitzler stated if there was a major flaw resulting in danger then the City had some responsibility and liability as well for repairs. He stated if the City is notified of a damaged sidewalk they would notify the proper authorities. He stated the City spent a lot of time and money repairing sidewalks, but the new County Supervisor, Bill Peagler, accepted responsibility for their repair. Mayor Heitzler recognized Mr. George Clauson who stated he has lived in Goose Creek for 50 years and that it was ridiculous that newspapers of the Goose Creek Gazette were being littered in neighborhoods. He stated they keep throwing them in driveways throughout the neighborhoods and residents were not picking them up. He stated the newspaper either needed to be delivered to the front door or have a dedicated delivery box. He stated has made requests to the newspaper 5 or 6 times that they not deliver them to his home, but they do it anyway. Mayor Heitzler stated he would ask City Council to take Mr. Clauson's request under consideration. Mayor Heitzler recognized Mr. Victor Browning who stated he was a Police Cadet with the Goose Creek Police Department. He inquired if the City was able to have a cadet program with the Fire/EMS Department. He stated he moved from New York state 6 months ago and the ambulance company there had a youth squad wherein they were taught basic life support and completed ride-a-longs on an ambulance. He stated he understood there were insurance liabilities, but it would be nice to see youth active in the community and learning from good society leaders. Mayor Heitzler stated his idea was heard by the Police Chief, Fire Chief and the City Administrator and his request would be taken under consideration.

### III. Approval of Previous Minutes:

City Council Meeting – June 9, 2015

Mayor Pro Tem Phillips made a motion to approve the minutes, as stated by Mayor Heitzler. Councilmember Green-Fletcher seconded the motion. All in favor, none opposed. Motion carried.

### IV. Public Hearings:

Mayor Heitzler stated the first item under Public Hearings was the introduction and first reading to a proposed Ordinance that would make some changes to the City's Zoning Ordinance. Mayor Heitzler requested Mrs. Hanson provide a briefing in regard to the proposed changes. Mayor Heitzler inquired how long the City has had zoning. Mr. Harmon stated since 1978. Mrs. Hanson stated currently there were Ordinances in two (2) different sections of the Zoning Ordinance and a majority of the proposed changes would blend the two (2) sections of the Zoning Ordinance into one section of the Zoning Ordinance. She stated 85% of the material in the proposed Ordinance was language that currently existed and appeared in the City's Zoning Ordinance. She stated a few things have been added in relation to Open Space requirements, which was merely language that has been used all along and it used to be in the Planning and Zoning Division's Procedures Manual, which was made irrelevant when the City recodified the Zoning Ordinance, and that language has basically been brought back in and been placed into the proposed Ordinance instead of language within a procedures manual. She stated the Open Space requirements were what the City has been requiring all along. She stated the residential landscaping requirements were the same as they were in the procedures manual, but the language had never been part of an Ordinance. Mrs. Hanson stated for General Commercial landscaping they blended the Overlay District Ordinance into the general Zoning Ordinance language. She stated this allowed City staff to point a developer in one direction when they called. She stated the general Landscape Ordinance was amended regarding the "street tree" requirements. She stated the Ordinance went from a 10% requirement for commercial landscaping to a 12% requirement; and, due to the Land Use Buffer Ordinance, the parking lot landscaping requirements and the street tree requirements, 12% was more reasonable. She stated the tree Ordinance required 4 inch trees be noted, surveyed and retained on the site and this was found not to be practical and was changed to an 8 inch requirement. Mrs. Hanson stated they added language allowing a developer to design their site using low impact development. She stated the current City Ordinance was in conflict with curb and guttering requirements for someone wanting to use a low impact design. She stated a "low impact development best management practice" was an engineering term related to stormwater. She stated low impact development was designed so storm water left the site and some was kept on site for a period of time. She stated the design used more permeable surfaces and less concrete, native landscaping and natural drainage versus a lot of guttering and storm drains.

Mayor Heitzler read the title to the proposed Ordinance.

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF GOOSE CREEK, SOUTH CAROLINA, TO PROVIDE FOR CHANGES TO THE SECTION 151.083 (B) LANDSCAPING REQUIREMENTS; SECTION 151.082 (G)(3) DESIGN STANDARDS, MINIMUM DESIGN STANDARDS; SECTION 151.197 (D) LANDSCAPING ELEMENT; SECTION 151.239 LANDSCAPING; AND SECTION ANNEX "A" TABLE OF PARKING AND LOADING SPACE REQUIREMENTS (Introduction and First Reading)

Councilmember Tekac made a motion to approve the proposed Ordinance, as stated by Mayor Heitzler. Councilmember McCants seconded the motion. All in favor, none opposed. Motion carried.

Mayor Heitzler stated the next proposed Ordinance was an introduction and first reading and would change the zoning of two (2) pieces of property from Conservation Open Space to High Density Residential. He stated the owners wanted the property annexed into the City and when property is annexed it is automatically zoned as Conservation Open Space. He stated the owner then requests the Planning Commission to change the zoning of the property and a proposed Ordinance presented to City Council. Mayor Heitzler stated the owner planned to build apartments on the property. Mayor Heitzler recognized Mr. Arenson who inquired if this was the location where the previously designed Harris Teeter was supposed to be located. Mayor Heitzler stated no it was near Devon Forest.

Mayor Heitzler read the title to the proposed Ordinance.

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 FOLLOWING PROPERIES:

THE PROPERTY LOCATED ON PLANET ROAD, AT ST. JAMES AVENUE, DESIGNATED AS TMS# 222-00-00-124, FROM CONSERVATION OPEN SPACE (CO) TO HIGH DENSITY RESIDENTIAL (R-3), AND THE PROPERTY LOCATED ON ST. JAMES AVENUE, DESIGNATED AS TMS# 222-00-00-046, FROM CONSERVATION OPEN SPACE (CO) TO HIGH DENSITY (R-3) (Introduction and First Reading)

Councilmember McCants made a motion to approve the Ordinance, as stated by Mayor Heitzler. Councilmember Green-Fletcher seconded the motion. All in favor, none opposed. Motion carried.

Mayor Heitzler stated the next item was an introduction and first reading to a proposed Ordinance wherein the property owner annexed their property into the City of Goose Creek in the subdivision known as Beverly Hills, and now the zoning of that property needed to be changed.

Mayor Heitzler read the title to the proposed Ordinance.

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 AT 229 LINDY CREEK ROAD, DESIGNATED AS TMS# 244-01-04-003, FROM CONSERVATION OPEN SPACE (CO) TO MEDIUM DENSITY RESIDENTIAL (R-2) (Introduction and First Reading)

Mayor Pro Tem Phillips made a motion to approve the proposed Ordinance, as stated by Mayor Heitzler. Councilmember Green-Fletcher seconded the motion. All in favor, none opposed. Motion carried.

Mayor Heitzler stated the next proposed Ordinance was an introduction and first reading that would authorize the City to transfer some of its property to the Berkeley County School District (BCSD) in exchange for BCSD to transfer some of their property to the City. He stated Boulder Bluff Elementary school was located in the center of the Boulder Bluff Subdivision and there have been severe traffic issues. He stated the City owned property contiguous to the school and BCSD stated they would build a round-a-bout on this property to help control traffic. Mayor Heitzler stated they agreed to the transfer because the school district owned property across the street from some property owned by the City. He stated the City would like to place a 30 acre passive park on the property being acquired from the school district. Mayor Heitzler recognized a gentleman who stated the property across from the elementary school was a cemetery and the cemetery would not be included in the transfer. Mayor Heitzler recognized a gentleman who inquired if more sidewalks would be built towards Stephanie Drive. Mayor Heitzler stated the roadways in that area were owned by the South Carolina Department of Transportation, not the City.

Mayor Heitzler read the title to the proposed Ordinance.

AN ORDINANCE PURSUANT TO SECTION 5-7-40 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, TO AUTHORIZE THE TRANSFER OF PROPERTY OF THE CITY OF GOOSE CREEK, SOUTH CAROLINA, TO THE BERKELEY COUNTY SCHOOL DISTRICT IN EXCHANGE FOR PROPERTY OWNED BY THE BERKELEY COUNTY SCHOOL DISTRICT FOR RECREATIONAL AND EDUCATIONAL PURPOSES (Introduction and First Reading)

Councilmember Green-Fletcher made a motion to approve the proposed Ordinance, as stated by Mayor Heitzler. Councilmember Tekac seconded the motion. All in favor, none opposed. Motion carried.

Mayor Heitzler stated the final item under Public Hearings was the introduction and first reading to a proposed Ordinance authorizing an Intergovernmental Agreement between the City of Goose Creek and Berkeley County for the purposes of allowing for Environmental Protection Agency stormwater management and water quality controls. He stated a city with a population of 10,000 or more was required by the Federal government to have a Stormwater Management Plan. He stated it made more sense to have a larger agency handling stormwater management. He stated Berkeley County was willing to take over the City's stormwater management responsibilities. Mayor Heitzler recognized Mr. Arenson who inquired if there was a draft of the proposed agreement on the City's website. Mayor Heitzler stated yes. Mr. Arenson inquired what funding was involved with the movement in terms of responsibility. Mayor Heitzler stated Berkeley County would charge an annual rate of \$36.00, per residential property. He stated property owners were not currently paying anything for stormwater management, but the City would have to start charging in the future. He stated the City was concerned with the costs associated with developing their own program. Mayor Heitzler recognized Mr. Jerry Glass who inquired what control the City would have over where money collected from property owners would be spent. Councilmember Tekac stated a committee would be formed which City Council would be a part of and they would make recommendations for how the money is to be spent. Mr. Glass

inquired what the body of revenue was the City would have to pay to the County. Mr. Harmon stated if the City enters into the proposed Agreement with Berkeley County, they would have the authority to implement their Stormwater Fee to both residential and commercial property owners, and is estimated it will be somewhere between \$750,000.00 and \$800,000.00. Councilmember Tekac stated commercial properties would pay a higher fee than that of a residential property owner. Mayor Heitzler recognized Mr. Arenson who inquired if Berkeley County accepted any responsibility for the potential remediation of stormwater ponds throughout the City. Mr. Harmon stated the City has cooperated with Berkeley County over the years and through a cooperative effort, the City has actually remediated some retention ponds that are actually owned by the City. He stated if ponds were in private ownership neither the City nor the County was authorized to address situations on those properties. Mayor Heitzler recognized Mrs. June Wyas who stated the ditches in Colonial Heights that run back to the creek were a problem. Mayor Heitzler stated the ditches she was referring to were owned and maintained by the County. Mayor Heitzler recognized a lady from the audience who inquired when the County would begin charges the fee. Mr. Harmon stated the 2015 October tax bill would show the Stormwater Fee. Mayor Heitzler recognized Mrs. Barbara Bates who inquired if this would also include the lake in Crowfield. Mayor Heitzler stated the lake was privately owned by the Crowfield HOA, and they were responsible for its maintenance. Mayor Pro Tem Phillips stated the proposed Agreement had to do with water quality not the flowing of water or ditches. Mayor Heitzler recognized Mr. Glass who inquired if it was the responsibility of the County and if they already owned the ditches, than why did the City have to give the County permission to clean the ditches. Mayor Heitzler stated the proposed Agreement was not about cleaning ditches. He stated it dealt with the quality of water as Mayor Pro Tem Phillips had already stated.

Mayor Heitzler read the title to the proposed Ordinance.

AN ORDINANCE OF THE CITY OF GOOSE CREEK, SOUTH CAROLINA AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF GOOSE CREEK AND BERKELEY COUNTY, SOUTH CAROLINA FOR PURPOSES OF EPA STORMWATER MANAGEMENT AND WATER QUALITY CONTROLS AND OTHER MATTERS RELATED THERETO (Introduction and First Reading)

Mayor Pro Tem Phillips made a motion to approve the proposed Ordinance, as stated by Mayor Heitzler. Councilmember McCants seconded the motion. All in favor, none opposed. Motion carried.

## V. Department Reports:

**Police Department** – Mayor Heitzler recognized Mr. Joel Eaton who stated he attended the last City Council Meeting in an attempt to speak with Chief Becker. He stated Chief Becker refused to speak with him in reference to an incident that happened at his home on the 7<sup>th</sup> of June, at 7:30 a.m. Mr. Eaton stated his neighbor cursed him and his daughter using the “F” word and he called the police. He stated Sgt. Vasquez and Officer Fowler arrived and issued his neighbor a No Trespass Order. Mr. Eaton stated he inquired of Sgt. Vasquez if there were other City Ordinances that had been violated that his neighbor could be charged. Sgt. Vasquez stated there were none. Mr. Eaton stated he received a copy of the Disorderly Conduct Ordinance and at that time read aloud item number 8 within the City’s Code. Mr. Eaton stated this was at 7:30 a.m., and he and his daughter were both mowing the lawn and his neighbor came out screaming and hollering. He stated he wished to make an inquiry with Chief Becker, because the Chief would not speak with him at last month’s City Council Meeting concerning whether a Warrant could be taken out on his neighbor. He stated Chief Becker’s response was it was his determination that a prosecution would contravene the best interest of justice and have little chance of resulting in a conviction. Mr. Eaton stated to Mayor Heitzler that considering there was a City Ordinance and the elements of the crime fit the City’s Ordinance, he inquired of Chief Becker why it could not be prosecuted and why it was not in the best interest of a citizen who committed a crime. Mayor Heitzler stated he was not going to allow the venue that evening to get into a debate and directed Mr. Eaton to ask Mayor Heitzler the question. Mr. Eaton stated he wished for Chief Becker to explain why....(Mayor Heitzler told Mr. Eaton to direct the question to him.) Mr. Eaton inquired of Mayor Heitzler as to why it was contradicting justice to bring a charge against a person when there is a legal City Ordinance against them. Mayor Heitzler stated the first level of justice was based on the discretion of the police officer and his superiors, regardless if it’s a traffic stop, disorderly conduct situation...whatever, the officer makes a discretionary judgment as to whether the laws have been violated and that a Warrant be issued and/or an arrest be made in the situation. Mr. Eaton inquired what would happen if this happened to...Mayor Heitzler stated he did not want to get into hypotheticals and inquired if he had any other questions that were not hypotheticals. Mr. Eaton stated no, that Mayor Heitzler answered his question.

Mayor Heitzler recognized Mr. McDowell who stated he placed his home on the Police Watch Program while he was recently on vacation. He stated the day he turned in the paperwork a police officer checked on his home and the day he returned a person from the Police Department hand delivered a letter to him from the Chief of Police stating how

many times his home was checked. He stated considering the size of the City it was nice to see the personal attention people received.

**Fire Department** – Mayor Heitzler recognized Mr. George Clauson who inquired how much longer was left on the construction of the fire stations. Chief Chapman stated Fire Station III would possibly open in October 2015, and the Headquarters Station thereafter. Councilmember Tekac inquired if they were on schedule. Mr. Harmon stated there were rain delays and additional days granted for adverse weather. He stated the schedule showed they were a month and a half behind on Fire Station III and two (2) months behind on the Headquarters Station. Mayor Heitzler recognized Mr. Joseph Patrick who inquired if mitigations would be in place for when trains were crossing, as he was under the impression there was only only (1) entrance and exit. Mayor Heitzler stated that was something the City had considered ever since the decision to place the Headquarters Station at that location; and yes, they would be able to respond to an emergency. He stated currently the City had two (2) fire stations, Headquarter Station and Station II, on this side of the railroad tracks. Mayor Heitzler recognized Mr. Victor Browning who inquired if the Fire Department had a “Fire/EMS Cadet Program”. Chief Chapman stated they did not.

**Department of Public Works (DPW)** – Mayor Heitzler recognized Mr. Joseph Patrick who inquired if there were any plans to implement a Recycling Program in the City. Mr. Price stated the City had no immediate plans to implement such a program that would be managed by the City; however, there is a contract option through Berkeley County for curbside recycling that was currently in effect.

**Administration Department & Municipal Court** – There were no comments or questions.

**Recreation Department** – Mayor Heitzler inquired how the City’s U-9 (under 9 years of age) boy’s baseball team performed. Mr. Stuber stated they were scheduled to play the following day, but had their opening ceremony that day. Mr. Stuber stated for the 2<sup>nd</sup> year in a row, the City would be hosting a swim meet event, that coming weekend, at the City’s swimming pool located at the Crowfield Golf Course. Mayor Heitzler recognized Mr. Victor Browning who inquired who the participants were in the swim meet. Mr. Stuber stated it was various swim teams throughout the Charleston area. Mayor Heitzler recognized Mrs. Barbara Bates who stated the swim meet was going to be streamed by Channel 2 and it was a great event. Mayor Heitzler stated the event would show off Goose Creek throughout the low country.

**Golf Department** – Mayor Heitzler recognized Mr. Joel Arenson who stated the contractor laid down sod at the entrance of The Hamlets and it turned brown. Mr. Sanders stated sod was being watered and monitored to see if it will return.

**Planning Department** – There were no comments or questions.

## **VI. City Administrator’s Report:**

**Request to Purchase – Department of Public Works (Trucks):** Mr. Harmon stated there was a request with supporting documentation from the Director of Public Works to purchase two (2) trucks. He stated one was a Ford F-150 ½ ton pick-up truck and the other was a Ford F-450 flat bed truck. He stated the low responsible bidder was Jones Ford of North Charleston, SC, in the total amount of \$68,427.00. He stated this was a budgeted amount in the Public Works Department budget for 2015. Mr. Harmon requested City Councils’ consideration at that time.

Councilmember Green-Fletcher made a motion to approve the purchase of two (2) trucks in the total amount of \$68,427.00, as stated by Mr. Harmon. Mayor Pro Tem Phillips seconded the motion. All in favor, none opposed. Motion carried.

**Request to Purchase – Recreation Department (Fairfax Playground Equipment):** Mr. Harmon stated there was a request and supporting documentation from the Recreation Director to purchase playground equipment for Fairfax Park. He stated the lowest bidder was Bliss Products and Services, Inc., Lithia Springs, GA, in the total amount of \$29,075.00. He stated this was a budgeted expenditure and requested City Councils’ consideration at that time.

Councilmember Tekac made a motion to approve the purchase in the total amount of \$29,075.00 for Fairfax playground equipment from Bliss Products and Services, Inc., as stated by Mr. Harmon. Councilmember McCants seconded the motion. Mayor Heitzler inquired if there was any discussion. Mayor Heitzler confirmed the new equipment being proposed would replace the equipment burned to the ground by some boys. Mr. Harmon stated yes. Hearing nothing further, Mayor Heitzler called for the vote. All in favor, none opposed. Motion carried.

**Proposed Water Service Area Agreement – Berkeley County:** Mr. Harmon stated there was a proposed Water Service Area Agreement with Berkeley County before City Council for consideration. He stated this provided for the establishment of service boundaries. He stated it provided for substantial growth for the City’s water system for the next 25-30 years. He stated it would establish City controls, rates and policies in the designated service area and reduces the ambiguity and confusion as to who would be the service provider. Mr. Harmon stated it was City staff’s recommendation for City Council to adopt the Water Service Area Agreement with Berkeley County.

Councilmember McCants made a motion to approve the Water Service Area Agreement with Berkeley County, as stated by Mr. Harmon. Councilmember Tekac seconded the motion. All in favor, none opposed. Motion carried.

**VII. Mayor’s Report:**

**Consolidate Greater Goose Creek Area (#7 of the 2015 Goals & Objectives):** Mayor Heitzler stated they had all been there long enough and he would be brief in his report. He stated the City of Goose Creek will consolidate when it is for the good of the City. He stated the City focused on the donut holes where the City surrounded the property.

**Executive Session – Employee Awards and Recognition:** Mayor Heitzler requested City Council go into executive session to select the employees who would receive the “Department Employee of the Year” awards and the overall “City of Employee of the Year”.

Councilmember Tekac made a motion to go into executive session for the purpose of discussing the Employee of the Year awards. Mayor Pro Tem Phillips seconded the motion. All in favor, none opposed. City Council went into Executive Session. (8:03 p.m.)

Mayor Pro Tem Phillips made a motion to exit executive session. Councilmember Green-Fletcher seconded the motion. All in favor, none opposed. City Council exited Executive Session. (8:14 p.m.)

Councilmember Tekac made a motion to go approve the Police Department’s, police officer nominee, as the Employee of the Year. Councilmember Green-Fletcher seconded the motion. All in favor, none opposed. City Council went into Executive Session.

Councilmember Tekac confirmed with Ms. Lovette those employees would be announced at next month’s City Council Meeting. Ms. Lovette stated yes.

**VIII. Comments and Questions:**

Mrs. Mary Kay Ramey stated the Goose Creek Gazette had a meeting with residents from the City of Goose Creek, because they wanted their input on what to do with their paper. She stated she attended the meeting and only eight (8) people were present and only three (3) were true residents of the City. She stated in her opinion the paper was a bad nuisance and hardly anyone read the paper. She stated The Goose Creek Gazette was now owned by the Post and Courier and they did not have anyone reporting news for Goose Creek. Mrs. Ramey stated she was told anything about Goose Creek going into The Gazette came from the citizens. She stated The Gazette was no longer a little local newspaper. Mayor Heitzler recognized Mr. Joel Eaton who inquired why he was not allowed to ask the Chief of Police a question during the questions/answers period (Comments from the Audience), but yet four (4) of the other six (6) remaining department heads were asked definitive questions by people from the audience and were given definitive answers, but he was not allowed to ask the Chief of Police a question. Mayor Heitzler stated, like a judge, he used his discretion.

**IX. Adjournment:**

Councilmember Tekac made a motion to adjourn. All in favor, none opposed. Motion carried. Meeting adjourned at 8:19 p.m.

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**Kelly J. Lovette, MMC**  
**City Clerk**

Date: August 11, 2015

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