

City Council Meeting
August 08, 2017
7:00 P.M.
City Hall

Council Members Present:

Mayor Michael J. Heitzler; Mayor Pro Tem Mark A. Phillips; Councilmember Debra Green-Fletcher; Councilmember Brandon L. Cox; Councilmember Gregory Habib; Councilmember Kevin M. Condon

Council Members Absent:

Councilmember James R. (Kimo) Esarey

Staff Present:

City Administrator Jake Broom; Assistant City Administrator Daniel Moore; City Clerk Kelly J. Lovette; Chief of Police Harvey Becker; Fire Chief Steve Chapman; Director of Public Works Steve Price; Director of Recreation Gary Stuber; Director of Golf Operations Troy Sanders; Public Information Officer Frank Johnson; Director of Planning and Zoning Kara Browder; Economic Development Director Matt Brady; Assistant Finance Director Tyler Howanyk

Staff Absent:

Invocation:

Mayor Pro Tem Phillips

Pledge of Allegiance:

Mayor Heitzler

Press Present:

None

Guests Present:

I. Call to Order:

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

II. Comments from the audience

Mayor Heitzler recognized Ms. Nicole Louis-Jacques who inquired if the City is going to get provision for anyone who is impaired under the sun. Mayor Heitzler stated if anyone needs emergency assistance we have the Fire Department with EMS. Mayor Heitzler recognized Mr. Jerry Glass who stated he is concerned about item number one on the agenda as it was not a necessary tool to address zoning in the City. He stated the current zoning districts already allow for certain applications to apply to all properties in the zoning instructions and ordinances. Mr. Glass stated he was concerned with offering incentives for business to come to the City and that tax payer money was not needed to be given to a business that originally had no intentions to come into the City. He stated if a business does have an intention to come into the City, incentives would not be necessary. Mayor Heitzler recognized Mr. Luther Steele who stated News 2 aired a good segment that explained the zones of the City and what the City is trying to accomplish. He inquired if city residents could view the solar eclipse at the lake behind City Hall. Mayor Heitzler stated yes. Mayor Heitzler recognized Mr. Ed Stark who inquired if the City was going to rectify the traffic problems that currently exist because of the railroad tracks on Montague Planation to Highway 52. Mayor Heitzler explained the roads are owned by the State or Berkeley County and the City does not have money for roadways. Mayor Heitzler stated City Council has identified that one of the City's principle goals for this year was to become more effective and efficient to influence the State and Berkeley County. Mayor Heitzler suggested residents research the Berkeley County website and to call their County Councilmen that represent the area in question. Mayor Heitzler also suggested that residents call their State Representatives.

Mayor Heitzler recognized Ms. Diane Hudson who inquired if anything had been done regarding the pool bubble. Councilmember Condon stated this request would first go through Mr. Gary Stuber in the Recreation Department, then the City Administrator Jake Broom, before it would go before City Council for a vote. Mayor Heitzler recognized Ms. Stephanie Holland who inquired if a community panel will be put together regarding the pool bubble and stated the cost that was given at the City Council Workshop was very high. Mayor Heitzler stated a community panel will not be organized and the City would research the cost of several types of bubbles. Mayor Heitzler recognized Mr. Tom Campbell who stated he hoped City Council will discuss what could be done regarding youth violence and gun crime in the area. Mayor Heitzler stated City Council will discuss the issue at a future workshop.

III. Approval of Previous Minutes:

City Council Meeting – July 11, 2017
City Council Workshop – July 25, 2017

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

IV. Public Hearings:

Mayor Heitzler stated the first item under Public Hearings was the second and final reading of a proposed ordinance to create a new zoning district called Business and Professional Office (BPO) District. Mayor Heitzler stated this district is a step down from Restricted Commercial and is designed to have less impact on nearby residential homes. Mayor Heitzler read the title to the proposed ordinance.

AN ORDINANCE TO MAKE CHANGES TO THE ZONING ORDINANCE OF THE CITY OF GOOSE CREEK, SOUTH CAROLINA BY AMENDING SECTION 151.125, REGULATIONS, APPENDIX B – TABLE OF LAND USES, AND APPENDIX D – ZONING DISTRICTS OF THE CITY OF GOOSE CREEK TO INCLUDE THE BUSINESS AND PROFESSIONAL OFFICE (BPO) DISTRICT

Mayor Heitzler inquired if City Council wished to act. Councilmember Condon made a motion to approve the second and final reading of the proposed ordinance, as stated by Mayor Heitzler. Councilmember Cox seconded the motion. Mayor Heitzler stated he believes this will be a very useful zone to amp down some of the commercial property that borders residential property. Mayor Pro Tem Phillips stated he agree with Mayor Heitzler and added that if a piece of property wants to be rezoned they will have to go through the normal process to change the zoning and meet the criteria. Hearing no further discussion, Mayor Heitzler called for the vote. Mayor Pro Tem Phillips, Councilmember Habib, Councilmember Condon, Councilmember Cox and Mayor Heitzler voted in favor of the motion. Councilmember Green-Fletcher opposed the motion. Motion carried.

Mayor Heitzler stated the next item was regarding tattoo parlors. Mayor Heitzler read the introduction and first reading of the ordinance.

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF GOOSE CREEK, SOUTH CAROLINA, TO PROVIDE FOR CHANGES TO SECTION 151.128 DEFINITIONS OF WORDS AND TERMS, SECTION 151.109 SPECIAL USES; AND AMEND APPENDIX B – TABLE OF LAND USES TO INCLUDE TATTOO FACILITIES (Introduction and First Reading)

Mayor Pro Tem Phillips made a motion to adopt the proposed ordinance, as stated by Mayor Heitzler. Councilmember Condon seconded the motion. Mayor Pro Tem Phillips inquired if the 1,000-foot revision was included in the proposed ordinance. Mr. Broom stated it has not been changed, but if City Council would like to amend the ordinance to meet DHEC’s language, it has been placed in the packet. Mayor Pro Tem Phillips amended his motion to amend “Sub Section B” of the proposed ordinance to read as follows. “For the purposes of this section distances shall be measured by following the shortest route of ordinary pedestrians or vehicle of travel on a public thoroughfare from the nearest point of the grounds and use as part of church, school, recreation area, residential property or residential use.” Mayor Heitzler inquired if City Council wished to act on the amended

motion. Councilmember Condon seconded the amended motion. Councilmember Habib stated if the City's attorney found what staff put together as reasonable, he did not believe City Council needed to amend the language. Councilmember Condon inquired from Mr. Broom if the City's attorney approved the amended language or the previous language. Mr. Broom stated the previous language and clarified that the amendment comes from DHEC's license regulation. Mr. Broom stated DHEC's language was suggested so a tattoo facility would not encounter a situation where they qualified under the City's zoning, but not DHEC's or vice versa. Hearing no further discussion, Mayor Heitzler called for the vote. Mayor Pro Tem Phillips, Councilmember Green-Fletcher, Councilmember Condon, Councilmember Cox and Mayor Heitzler voted in favor of the motion. Councilmember Habib opposed the motion. Motion carried for the amendment to be added.

Mayor Heitzler inquired if City Council wished to act on the standing motion and the standing second of the proposed ordinance to adopt this new zone for tattoo facilities. Hearing no discussion, Mayor Heitzler called for the vote. All in favor, none opposed. Motion carried.

Mayor Heitzler stated the next item was the rezoning of a piece of property in Quail Hill. He stated the property was sold at a tax sale due to nonpayment of taxes. Mayor Heitzler inquired if anyone who lived in Quail Hill has any comments. Mayor Heitzler recognized Ms. Valerie Swab who stated the high point in purchasing her home last year, as it is located directly across from one of the properties in question, was because her plat showed the property to be a community recreation zone. Ms. Swab stated the other piece of property the buyer wants to rezone into Conservation Open Space is inaccessible and the City would be inviting more crime into that area as it is closed off.

Mayor Heitzler recognized Mr. Wesley Howell who stated his home was the first house built in Quail Hill and he was told the property across from his home was to be developed into a playground. Mr. Howell stated it was his understanding the woods behind his home are protected woodlands. He stated if it is rezoned, it would not be fair for those that bought their properties along the woodlands because technically these residents do not have backyards. Mayor Heitzler stated the land was owned by the people collectively in Quail Hill; however, they did not pay the taxes. Mr. Howell stated that was not presented to him. Mayor Heitzler stated nobody is supposed to present anything as the residents are supposed to know what land they own. Mayor Heitzler stated the covenants state what you own and what is your responsibility; if the taxes are not paid, somebody can buy the property and do something else with it. Mr. Howell stated the Quail Hill Homeowners Association was never formed and because of this technicality it will be rezoned and possibly built on and he does not think that is fair. Mayor Heitzler stated the people in Quail Hill did not care as they let their HOA dissolve and did not pay the taxes. Mayor Heitzler stated you must read the covenants when you buy a home. Mayor Heitzler thanked Mr. Howell for standing and sharing his opinion.

Mayor Heitzler recognized Mr. Tony Maculla who stated when he moved in he did not have an inkling that there would be an HOA property behind his home. Mr. Maculla inquired if every subdivision by ordinance must have open space. Mayor Heitzler stated yes. Mr. Maculla inquired as to where the open space is located for Quail Hill. Mayor Heitzler stated he could not answer his question. Mr. Maculla stated it is in the triangle on the other piece of property and if you pull up the subdivision plat it would show it as such. Mr. Maculla stated when he moved in December of 2011, there was no HOA in affect and there was nothing given to him when he signed at closing. Mr. Maculla stated he is not against changing the zoning, he is against what was going to happen afterwards.

Ms. Kara Browder stated that both properties are zoned as Medium Density Restrictive Zoning (R-2). Mayor Heitzler clarified from Ms. Browder that it went to the tax sale as R-2. Ms. Browder stated Mayor Heitzler was correct and hence the buyer has the right to build houses on R-2. Mayor Pro Tem Phillips stated the zoning would not affect anything if it stays undeveloped R-2 or Conservation Open Space. Mayor Heitzler inquired as to why City Council was involved if it was already zoned R-2. Mr. Broom stated we are attempting to maintain open space for the neighborhood by zoning the parcel Conservation Open Space. Mr. Broom stated City staff thought we were doing the neighbors a favor by saying to the buyer we can give the neighbors the other piece of open space that the buyer will maintain ownership of, but it would be zoned Conservation Open Space so nobody can build on the property.

Councilmember Habib stated it was planned to be open space for the developer who never finished the development, never established the HOA, and never paid the taxes on the property. Councilmember Habib stated we cannot come to the rescue of the neighborhood who did not care about that land until somebody wanted to do something with it as this is the way property rights work.

Mayor Heitzler invited Mr. Philip Obie to speak, the buyer of the property in question. Mr. Obie stated he originally wanted to sell the property and have it subdivided. Mr. Obie realized the City wants to have as much open space as they can in neighborhoods and decided to work with the City in converting the back eight (8) acres into Conservation Open Space. Mr. Obie stated currently the land is zoned as R-2 so he can build on both of pieces of property if he so desired. He stated he was willing to donate that property back to the neighborhood if they want to make a HOA. Mr. Obie stated some neighbors were worried about not having a park; however, City Council was working on building a great park across the street from the neighborhood. He stated it was up to City Council and the neighbors as to how this should be developed. Mr. Obie works at the pleasure of City Council and will do what needs to be done. Mayor Heitzler stated he appreciated the City and that everyone has a place to come to discuss these things. Mayor Heitzler read the title of the propose 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 PROPERTY: THE PROPERTY LOCATED WITHIN THE QUAIL HILL COMMUNITY DESIGNATED AS TMS #235-10-03-0.00138 FROM RESIDENTIAL MEDIUM DENSITY (R-2) TO CONSERVATION OPEN SPACE (CO)

Councilmember Habib made a motion to adopt the proposed ordinance, as stated by Mayor Heitzler. Mayor Pro Tem Phillips seconded the motion. Mayor Pro Tem Phillips stated he sees the concept and thinks it is a benefit to the neighborhood. Councilmember Cox stated he believed Mr. Obie was being very generous and thanked him for working with the City and for not building behind those residents when he is within his rights and he can. Hearing no further discussion, Mayor Heitzler called for the vote. All in favor, none opposed. Motion carried.

Mayor Heitzler stated the next item under was the introduction and first reading to a proposed ordinance to annex property into the City. He stated the property is located along Old Moncks Corner Road. Mayor Heitzler inquired of anyone had any comments or questions. Mayor Heitzler read the title.

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 KNOWN AS, TMS# 234-08-00-018 (GILLINS TRACT/OLD MONCKS CORNER ROAD), INTO THE CITY OF GOOSE CREEK, A SOUTH CAROLINA MUNICIPAL CORPORATION

Mayor Pro Tem Phillips made a motion to adopt the proposed ordinance, as stated by Mayor Heitzler. Councilmember Cox seconded the motion. Hearing no discussion, Mayor Heitzler called for the vote. All in favor, none opposed. Motion carried.

Mayor Heitzler stated the next item was the introduction and first reading to a proposed ordinance to annex property right next to the property that was just discussed. Mayor Heitzler read the title.

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 KNOWN AS, TMS# 234-08-00-053 (BOUNDS TRACT/OLD MONCKS CORNER ROAD) INTO THE CITY OF GOOSE CREEK, A SOUTH CAROLINA MUNICIPAL CORPORATION

Mayor Pro Tem Phillips made a motion to adopt the proposed ordinance, as stated by Mayor Heitzler. Councilmember Cox seconded the motion. Hearing no discussion, Mayor Heitzler called for the vote. All in favor, none opposed. Motion carried.

Mayor Heitzler stated the next item was the introduction and first reading of a proposed ordinance that will give the City of Goose Creek additional tools to improve blighted areas in the City. Mayor Heitzler inquired if there were

any comments or questions. Mayor Heitzler recognized Mr. Joel Arenson who inquired if the new chapter will detail the financial boundaries. Mr. Arenson also inquired as to how much the incentives could amount to in a year and if these incentives will come out of the general revenue collected by the City or if it would be from the result of an increase in Franchise Fees or other such revenue items. Mr. Brady stated it is not coming out of the General Fund, it will be in the form of rebates. Mayor Heitzler recognized Mayor Heitzler read the introduction and first reading to the proposed ordinance.

AN ORDINANCE TO AMEND TITLE XI BUSINESS REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF GOOSE CREEK, SOUTH CAROLINA, BY AUTHORIZING, ESTABLISHING AND ADDING A NEW CHAPTER 112. ECONOMIC DEVELOPMENT INCENTIVES PROGRAM, TO ENCOURAGE PRIVATE INVESTMENT IN THE INCENTIVE AREA OF THE CITY OF GOOSE CREEK, SOUTH CAROLINA; AND OTHER MATTERS RELATED THERETO

Councilmember Habib made a motion to adopt the proposed ordinance, as stated by Mayor Heitzler. Councilmember Cox seconded the motion. Councilmember Condon clarified from Mr. Brady that this will not affect the property taxes of residents and it will be exclusively for the businesses. Mr. Brady stated he was correct, it is designed to enhance and increase property values across the zones. Councilmember Habib stated there are thresholds they must meet to qualify for what was being discussed. Councilmember Habib stated the City was trying to invest real dollars in areas that need redevelopment to which the result will be to increase revenue to the City. Councilmember Habib stated no money from the homeowners or tax payers will go to these incentives. Hearing no further discussion, Mayor Heitzler called for the vote. All in favor, none opposed. Motion carried.

V. Department Reports:

Police Department – Mayor recognized a gentleman from the audience who stated an officer told him he had to switch his hours from an eight (8) hour day to a twelve (12) hour day because the City was staffed. He inquired if anything was being done to rectify the shortage of police officers. Chief Becker stated this month they would be going to a different shift schedule, as recruiting and turnover was always a problem within Police Department. Ms. Hudson stated last month she inquired if a few police vehicles can have bullet proof windows. Mayor Heitzler stated City Council would be holding a budget workshop and it would be discussed.

Fire Department – Chief Chapman stated at 2:00 p.m., on Friday, August 25th, there would be a grand opening, dedication and open house for the new Fire Station Headquarters on Button Hall Avenue; and on Saturday from 10:00 a.m. to 2:00 p.m. they would be holding an open house for anyone that wished to tour the facility.

Department of Public Works (DPW) – No comments or questions.

Administration Department & Municipal Court – No comments or questions.

Recreation Department – Mayor Heitzler recognized Collen Shoemaker who inquired how to set up a meeting with Mr. Stuber and the swim community. Mr. Stuber stated she could call him to schedule a meeting. Mayor Heitzler recognized Mrs. Jennifer Condon who thanked City Council and City staff for their assistance with the recent swimming meet held at the City's golf course. Mayor Heitzler recognized Ms. Hall who stated she received feedback that Goose Creek always puts on the best swim meets.

Golf Department – No comments or questions.

Public Information Officer/Annexation Coordinator – Mr. Johnson stated the Red Cross Blood Mobile would be at the Municipal Center that coming Friday from 9:00 a.m. to 2:00 p.m.

Planning and Zoning Department – Mayor Heitzler stated City Council would try to figure out how we can do a better job at motivating Berkeley County and the State on improving the roadways throughout the City.

Department of Economic Development – Mayor Heitzler recognized a gentleman from the audience who inquired how to coordinate with the State and Berkeley County for infrastructure assignment. Mayor Heister stated

it was not easy and explained that if someone owns land, the person has the right, within reason, to develop their land. He stated roadways were not built first with the hopes of development to follow. He stated the development happens first then the representatives from the state and the county assess the need and they put in the infrastructure.

VI. City Administrator's Report:

Right-of-Way and Utility Easement TMS# 235-00-00-035 & 223-00-00-031 (Charleston Public Works) -

Mr. Broom stated Charleston Water System has a 20-inch water main in the ground below the powerlines on the property owned by the City to the north, which borders the Community Center. He stated this property used to be the right-of-way of Old Mounty Holly Road before the road was realigned and the property was obtained by the City. He stated they are requesting a 20-foot wide easement above their existing water main and these easements are typical between land orders and utilities, and staff foresees no issues with formalizing this in writing.

Mayor Heitzler inquired if City Council wished to act on the request. Mayor Pro Tem Phillips made a motion to approve the request, as presented by Mr. Broom. Councilmember Cox seconded the motion. Hearing no discussion, Mayor Heitzler called for the vote. All in favor, none opposed. Motion carried.

Public Works Complex Roof Repairs – Mr. Broom stated the Public Works building has experienced several significant roof leaks over the past few years. He stated City staff solicited bids from qualified contractors to repair the roof in the main building, install new gutters and downspouts on the main building, replace corroded exterior metal sheets on the main building and repair the roofs of two (2) vehicle storage sheds. He stated City staff recommends hiring DACH Enterprises (Hanahan, S.C.), in the total amount of \$102,000.00, to do the repairs. He stated the fiscal year 2017 Water Division Budget includes \$130,830.00, for these repairs.

Mayor Heitzler inquired if City Council wished to act on the request. Councilmember Cox made a motion to approve the hiring of DACH Enterprises to perform the repairs, as stated by Mr. Broom. Councilmember Condon seconded the motion. Hearing no discussion, Mayor Heitzler called for the vote. All in favor, none opposed. Motion carried.

VII. Mayor Report:

Mayor Heitzler stated one of the items under the 2017 One (1) Year Goals & Objectives is to safeguard physical and environmental resources by acquiring vacant properties to preserve open space. Mayor Heitzler stated if someone owns the property they can develop their property within zoning and building regulations; however, if the City is able to come up with the funds and negotiate to acquire forestry and wetlands, he feels this will be the most valuable property in the City.

VIII. Comments and Questions:

No Comments or questions

Adjournment:

Mayor Pro Tem Phillips made a motion to adjourn. All in favor, none opposed. Meeting adjourned at 8:24 p.m.

_____ Date: September 19, 2017

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.