

City Council Meeting
September 10, 2019
7:00 P.M.
City Hall

Council Members Present:

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

Council Members Absent:

None

Staff Present:

City Administrator Jake Broom; Assistant City Administrator Daniel Moore; City Clerk Kelly J. Lovette; Director of Economic Development Matt Brady; Police Chief LJ Roscoe; Finance Director Tyler Howanyk; Director of Public Works Chuck Denson; Public Information Officer Frank Johnson

Staff Absent:

Invocation/Pledge of Allegiance:

Reverend Dr. Miyoung Paik
Mayor Habib

Press Present:

None

Guests Present:

None

I. Call to Order/Invocation/Pledge of Allegiance:

Mayor Habib called the meeting to order at 7:00 p.m. and introduced Reverend Dr. Miyoung Paik, who presented the invocation. Mayor Habib presented the pledge of allegiance.

II. General Public Comments:

Mayor Habib stated that Item “b” under Section IV. Public Hearings, Presentations & Proclamations, an Ordinance to amend the Zoning Map of the City of Goose Creek, regarding the property by Woodlands Lakes, was being postponed at the request of the applicant. He stated he was not sure when it would be placed back on an Agenda for City Council’s review, but it would not be that evening.

Mayor Habib opened the floor to comments from the general public: Mr. Russell Donnelly (312 Farm Road - Pineview) addressed City Council regarding three (3) warnings he has received from Code Enforcement concerning his property; Mr. Nash commented about his concerns regarding traffic congestion in the morning at Westview Boulevard and Pineview Drive; Mr. Arnold Michelle stated inquired if City Council would consider putting in a sidewalk for the kids who are trying to walk from Amy Drive all the way to the Circle K on Stephanie Drive; Mr. Jeff Barnes (213 North Pandora Drive - West Greenview) stated his concerns regarding a situation in the backyard of a home next to him wherein people are living in a camper.

(Noted by City Clerk: The following was dictated verbatim.)

Mr. Pinson commented concerning the proposed Resolution on the Agenda calling for a special referendum to be held in the City of Goose Creek regarding whether the City should be authorized to enter the electric utility business.

Good evening Mayor and Members of Council. My name is Ray Pinson, I manage Local Government and Community Relations activities for Santee Cooper – my work address is One Riverwood Drive Moncks Corner, SC. Thank you for the opportunity to speak tonight.

Santee Cooper was recently made aware of the electric city resolution scheduled for vote this evening. The premise of the proposal, as we understand it, is that the City of Goose Creek would form an electric city serving one current Santee Cooper customer, Century Aluminum, with off-system power through existing transmission lines and facilities owned by Santee Cooper. In exchange, the City would be allowed to annex several thousand acres of the Mt. Holly property. We have

previously provided the Mayor, Administrator, and each of you numerous reasons why this proposal is untenable in our view and further requested that tonight's vote be postponed until we could work together to identify the substantial impediments that exist. The most compelling of these is South Carolina case law already establishing that, "*When an area is incorporated into a new municipality or annexed into an existing one, the municipality may not oust or evict a utility provider which previously has lawfully served the area. South Carolina Electric & Gas Co. v. Town of Awendaw (2004)*".

With respect to the resolution and referendum question that you will vote on this evening, we believe that the following very important questions must be addressed by this Council, at a minimum: 1.) will the citizens of Goose Creek be adequately informed of the significant liabilities and obligations associated with becoming an electric provider; 2.) will the citizens be informed that they cannot receive any power from their new electric city due to current law governing existing electric service areas; 3.) will they be informed that the City's proposal to serve only one existing Santee Cooper customer – Century Aluminum, is currently unlawful; 4.) will the citizens be informed that their new electric city will be totally dependent on out of state generation sources, transmission lines, and distribution facilities that the City does not own; 5.) will the citizens be informed of the consequences and damages associated with power supply interruption at Century Aluminum – regardless of contract indemnification; 6.) will the citizens be informed that the new electric city will continue to be obligated for any transmission system agreements or reservations – even if Century Aluminum were to shut down; 7.) will the citizens be informed that even if the new electric city can overcome the legal hurdles of supplying power to Century Aluminum, their ultimate power rates may go up because Century Aluminum will have used up a large portion of the finite transmission capacity that Santee Cooper currently uses to create savings for all of our customers – which includes Berkeley Coop customers.

Becoming an electric utility is not a prospect to be taken lightly. It comes with great liability to your citizens in terms of reporting penalties, regional transmission constraints, lack of your own generation sources, lack of your own transmission facilities, and a host of other legal complications that have been relayed to you already. On behalf of Santee Cooper, we respectfully request that you table this matter in favor of discussions that should have already taken place between our organizations and Century or that you simply vote "no" to the proposed referendum.

Mr. Marvin Dickerson (102 Amanda Circle – The Hamlets), Resource Manager at Century Aluminum's Mt. Holly plant. He stated if the City were to annex Mt. Holly and the existing acreage surrounding the plant, the tax revenue generated would help the City with its services for the residents of Goose Creek, including fire, police, recreational areas, etc. He stated it would immediately recreate those 300 jobs wherein people were laid off back in 2015. Mr. Dickerson stated this would be an opportunity to recall those people and get residents in Goose Creek working at this plant and create these high paying jobs and allow this plant to survive long term. Mr. Dickerson requested City Council take the time and to take the necessary measures and to vote yes to allow the people of Goose Creek to have the opportunity to decide for themselves, and not Santee Cooper, whether an electric utility is created by Goose Creek or not. Mayor Habib thanked Mr. Dickerson for his comments; A gentleman from the audience thanked City staff for their hard work prior to, during and after Hurricane Dorian, and that he appreciated them for the sacrifices they went through in their preparation and during the cleanup process; A lady who lives on Pineview Drive expressed her concerns between the time frame of May 28th and May 31st, and stated 207 assorted tickets were written on Pineview Drive and that there is still a speeding issue on that roadway; Mr. Jan Kauser, a resident of Foxborough, stated his concerns about a vote that evening for the consideration of the City getting into the utility business and the fact that has been worked on behind the scenes may not bode well for a referendum, that it speaks of some impropriety and he would urge City Council they consider the proposal of Santee Cooper and table the Resolution until there can be further discussion by the public prior to a referendum vote; Ms. Leslie Laurence, (138 Devon Forest – Devon Forest), stated she has been an employee for Century Aluminum for the past 18 years and requested both sides to come together so that people can continue to keep their jobs.

III. Approval of Minutes:

- a) **City Council Workshop – July 16, 2019**
- b) **City Council Meeting – August 13, 2019**

A motion was made by Councilmember Tekac to approve the minutes as presented. Councilmember Green-fletcher seconded the motion. Hearing no discussion, Mayor Habib called for the vote. All in favor, none opposed. Motion carried.

IV. Public Hearings, Presentations & Proclamations:

- a) **PROCLAMATION – INTERNATIONAL LITERACY DAY, SEPTEMBER 8, 2019, AND NATIONAL ADULT EDUCATION AND FAMILY LITERACY WEEK SEPTEMBER 23-29, 2019 (First & Final Reading)**

Mayor Habib read the proclamation for International Literacy Day and National Adult Education and Family Literacy

Week and invited the representative to join him for a photo.

- b) **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 PROPERTY LOCATED AT THE NORTHWEST CORNER OF HIGHWAY 52 AND WINDSOR MILL ROAD, DESIGNATED AS TMS #234-00-00-001 FROM PLANNED DEVELOPMENT (PD) TO GENERAL COMMERCIAL (GC) (Public Hearing and First Reading) *Noted by City Clerk: This item has been set aside at the request of the applicant, as stated earlier by Mayor Habib.***

V. New Business:

- a) **A RESOLUTION ORDERING A SPECIAL REFERENDUM TO BE HELD IN THE CITY OF GOOSE CREEK, SOUTH CAROLINA, ON THE QUESTION OF WHETHER THE CITY SHOULD BE AUTHORIZED TO ENTER INTO THE ELECTRIC UTILITY BUSINESS; PROVIDING FOR THE FORM OF THE BALLOT TO BE USED; PROVIDING FOR NOTICE OF THE REFERENDUM; AND PROVIDING FOR OTHER MATTERS RELATING THERETO (First & Final Reading)**

(Noted by City Clerk: The following was dictated verbatim.)

Mayor Habib: Council, next on our Agenda is under New Business. It's a Resolution ordering a special referendum to be held in the City of Goose Creek, South Carolina, on the question of whether the City should be authorized to enter into the electric utility business, providing for the form of the ballot to be used, providing for notice in the referendum and for providing for other matters relating thereto. Would Council like to take any action at this time?

Councilmember Tekac: Mr. Mayor I would like to make a motion that we approve it as presented.

Mayor Habib: Thank you Councilman Tekac. Is there a second?

Councilmember McClary: I second it, Mr. Mayor.

Mayor Habib: Thank you Councilman McClary for that second, I appreciate that very much. I said I was going to make a statement and I'm going to make that statement now. This is time for Council discussion. First and foremost, the vote we are taking tonight is to give the citizens of the City of Goose Creek the opportunity to decide our future. While I appreciate the comments of everyone here, Mr. Pinson and (inaudible) the like, they are here to represent the interest of Santee Cooper. Or they are here to represent the interest of Century Aluminum. Our responsibility as a Council is to represent the interest of the citizens of the City of Goose Creek. We have worked on this project for eight (8) months. We believe, based on the experts that we've consulted, and those experts are many, and varied and wide, that we have a legal path forward to provide electricity to the 5,000 acres held by Century Aluminum.

There are currently twenty-one (21) electric cities in the State of South Carolina. The idea that we are doing something new is an interesting one. Union, West Minster, Camden, Abbeville, Gaffney, Easley, Bennettsville, Clinton, Due West, McCormick, Prosperity, Winnsboro *(Noted by City Clerk: These are all municipalities in SC who own an electric utility.)*. We're the eighth (8) largest city in South Carolina and we're well equipped to perform anything we need to do for the citizens of our city.

If the referendum passes, the following will take place:

- 300 people, many of whom live in the City of Goose Creek, will go back to work at Century Aluminum.
- Our tax base expands significantly. Every dollar we collect from this project will be a dollar we do not need to collect from the residents or other businesses in our City.
 - We will be able to hire more policemen.
 - We will be able to hire more firemen.
 - We will be able to expand the recreational opportunities in the City.

And we will do that without again, raising taxes on the residents that live here and with virtually zero impact on our community. Those 5,000 acres and its occupants are also here. So, again, I appreciate everyone's thoughts and concerns, and our citizens will have the opportunity if this Council votes, to make those decisions; and, we will have three (3) months to show everybody why this is a good idea. Is there any other discussion on behalf of Council? Hearing none, I'll call for a vote. All those in favor of approving the referendum signify by saying "I". *(Noted by City Clerk: Councilmember Tekac – Aye; Councilmember McSwain – Aye; Mayor Pro Tem Condon – Aye; Councilmember Harmon – Aye; Councilmember McClary – Aye; Councilmember Green-Fletcher – Aye; Mayor Habib – Aye. All of City Council was in favor.)*

Mayor Habib: Any opposed. That motion carries. *(Noted by City Clerk: No one was opposed.)*
(Noted by City Clerk: End of verbatim transcription.)

VI. Old Business:

- 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 243-03-00-022 (107 SPRING HALL DRIVE) INTO THE CITY OF GOOSE CREEK, A SOUTH CAROLINA MUNICIPAL CORPORATION (Second & Final Reading)**

Mayor Habib stated the proposed Ordinance is presented to annex an area identified as 107 Spring Hall Drive into the City of Goose Creek, the second and final reading of said Ordinance.

Mayor Pro Tem Condon made a motion to annex 107 Spring Hall Drive into the City. Councilmember McClary seconded the motion. Hearing no discussion, Mayor Habib called for the vote. All in favor, none opposed. Motion carried.

VII. Department Report:

Finance Director Tyler Howanyk: Mr. Howanyk thanked City Council for having him to present them with his report, along with the opportunity to update them regarding the Administration Department, and that of the General Fund. Mr. Howanyk continued and provided City Council with a thorough report. He also thanked the Administration Department's dedicated administrative staff who work diligently and that he wished to publicly thank them for all their hard work. He stated they worked with increased volume every day and they always strive to maintain good customer service, and they are always looking for ways to improve. He stated he wished to congratulate the HR Department as they were recently presented a PEBA Partners Award for Excellence on August 27, 2019, for wellness initiatives, as well as the overall engagement in the State's health plan; and this was quite an accomplishment to the City being a first-year member.

Mayor Habib thanked Mr. Howanyk for his report. He stated Mr. Howanyk is a great steward of the City's money and the City is lucky to have him.

VIII. City Administrator's Report:

- a) **Request to Hire Contractor – Clarine Drive & Adler Drive Water System Improvement Projects:** Mr. Broom presented a request from the Director of Public Works regarding water system improvements on Clarine Drive and Adler Drive. He stated quotes were received to replace Asbestos-Cement water mains on Adler Drive, Carol Drive, Colonial Drive and Clarine Drive; as well as to replace the Gate Valves on Stephanie Drive. He stated the overall cost was very high, so the scope of the project has been narrowed for 2019 to only Clarine Drive and Adler Drive, and to hire the low bidder, IPW Construction Group, LLC of N. Charleston, SC for the total amount of \$166,762.50, as budgeted in the 2019 Water Enterprise Fund budget.

Councilmember Harmon made a motion to approve the request to hire IPW Construction Group, as stated by Mr. Broom. Councilmember Green-Fletcher seconded the motion. Hearing no discussion, Mayor Habib called for the vote. All in favor, none opposed, motion carried.

- b) **Approval of Records Retention Schedules – Fire Department (x4):** Mr. Broom presented a request from the City Clerk which entails four (4) Records Retention Schedules prepared by the South Carolina Department of Archives and History regarding records at the Fire Department, of which provide guidelines she uses to determine how long to retain records related to: Air Quality Analysis; Respiratory Training Records; SCBA Flow Tests; and, FIT Testing Records.

Councilmember Green-Fletcher made a motion to approve the records retention schedules as presented by Mr. Broom. Councilmember McClary seconded the motion. Hearing no discussion, Mayor Habib called for the vote. All in favor, none opposed. Motion carried.

IX. Mayors Report:

Mayor Habib thanked City staff for their efforts prior to, during and after Hurricane Dorian and stated he wished to commend Mr. Broom, Mr. Moore, Police Chief LJ Roscoe, Fire Chief Steve Chapman, Department of Public Works Director Chuck Denson and City staff for the great work and the organization they have put into the City's Emergency Operations Center (EOC) and in carrying this City through that process. Mayor Habib stated it was seamless and City staff was well prepared to

take care of our City. He also thanked Berkeley County, and the Berkeley County Supervisor Johnny Cribb, who was present, as well as several Berkeley County Councilmembers for their cooperative efforts during the hurricane.

X. Executive Session:

- a) SECTION 30-4-70 (A) (2) DISCUSSION OF NEGOTIATIONS INCIDENT TO THE PROPOSED SALE OR PURCHASE OF PROPERTY – TMS # 244-05-01-032 (No action will be taken on items discussed in Executive Session.)

Mayor Habib stated he would take a motion to go into Executive Session to discuss a negotiations incident to the proposed sale of a piece of property and following the discussion, there will be no action taken by City Council, it will be for discussion purposes only; and following that City Council will come out and adjourn.

Councilmember McSwain stated she just wished to comment that each month City Council gets together for a City Council Workshop and it may not look like they have much to discuss at City Council Meetings when it relates to the items on the Agenda, but they do discuss all of the items in a lot of detail so that before they get to a City Council Meeting, they are already prepared to vote. She reminded everyone the City Council Workshops are open to the public and anyone could attend.

Councilmember Tekac made a motion to go into Executive Session for the reason stated by Mayor Habib. Councilmember Condon seconded the motion. All in favor, none opposed. Motion carried. (7:46 p.m.)

Councilmember Condon made a motion to come out of Executive Session. Councilmember Tekac seconded the motion. All in favor, none opposed. Motion carried. (8:07 p.m.)

XI. Adjourn:

Councilmember Tekac made a motion to adjourn. All in favor, none opposed. Meeting adjourned at 8:07 p.m.

Date: October 8, 2019

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.