

City Council Meeting
October 8, 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; Director of Economic Development Matt Brady; Police Chief LJ Roscoe; Finance Director Tyler Howanyk; Public Information Officer Frank Johnson; Assistant Fire Chief Norm Cutshall

Staff Absent:

City Clerk Kelly J. Lovette

Invocation/Pledge of Allegiance:

Bishop Johnny Johnson
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 Bishop Johnny Johnson from The Calvary Church of God in Christ, who presented the invocation. Mayor Habib presented the pledge of allegiance.

II. General Public Comments:

Mayor Habib recognized Mr. Clint Eckles, new area Director for Fellowship of Christian Athletes to Berkeley County. Mr. Eckles stated he was at the meeting to make it known he was there to serve the City and the residents of the community, and he wished to be a positive influential citizen and was there to make friends. Ms. Janice Henley, a resident of Fairfax, stated she wished to see a bus service in Goose Creek and were there plans in the future. Mayor Habib stated the best answer he could provide was something that continues to be discussed with the Berkeley Charleston Dorchester Council of Governments (BCD COG), and he and Councilmember Green-Fletcher serve on the CHATS Committee and they discuss transportation overall and transportation in this direction on a regular basis; and, it is something the greater area strives to try to work on and continue to try to advocate.

III. Approval of Minutes:

- a) **City Council Workshop – August 27, 2019**
- b) **City Council Meeting – September 10, 2019**

Councilmember Tekac made a motion to approve the minutes from the City Council Meeting on September 10, 2019, to include the documentation from Mr. Ray Penson, Santee Cooper, with those minutes. Councilmember McSwain seconded the motion. Hearing no discussion, Mayor Habib called for the vote. All in favor, none opposed. Motion carried.

Councilmember Tekac made a motion to approve the minutes from the City Council Workshop on August 27, 2019. Councilmember Harmon seconded the motion. All in favor, none opposed. Motion carried.

IV. Public Hearings, Presentations & Proclamations:

- a) **AN ORDINANCE TO RAISE REVENUE AND ADOPT A BUDGET FOR THE CITY OF GOOSE CREEK, SOUTH CAROLINA, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2020 AND ENDING DECEMBER 31, 2020 (Public Hearing & First Reading)**

Councilmember Harmon made a motion to approve the proposed Ordinance for the FY 2020 Budget. Councilmember Green-Fletcher seconded the motion.

Councilmember Tekac made a motion to amend the proposed FY 2020 Budget to add the new position for the police School Resource Officer, to Marrington Middle School. Councilmember McSwain seconded the motion. Mayor Habib reviewed some of the highlights of the proposed budget and stated there will be no need to raise taxes for the upcoming fiscal year.

Councilmember Harmon stated he wished to echo what Mayor Habib stated and that they continue to invest in the City of Goose Creek to provide the appropriate services for its residents so they are safe, and we have the appropriate things in place and he applauds City Council for working hard and providing a balanced budget. Hearing no further discussion, Mayor Habib called for the vote. All in favor, none opposed. Motion carried. *(A complete copy of the Fiscal Year 2020 Budget may be reviewed in the Office of the City Clerk.)*

- b) **AN ORDINANCE TO SELL A PORTION OF REAL PROPERTY KNOWN AS TMS# 244-05-01-032 (OFF LIBERTY HALL ROAD) OF THE CITY OF GOOSE CREEK, A SOUTH CAROLINA, MUNICIPAL CORPORATION, IN ACCORDANCE WITH SECTION 5-7-260 (6) OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED (Public Hearing & First Reading)**

Mayor Habib recognized a lady from the audience who stated her family owns heirs property, 14.09 acres, on Liberty Hall Road and that she had been trying to get the property annexed into the City of Goose Creek; however, the problem she has is that the City's property divides her property. Mayor Habib stated the property owners referenced in the proposed Ordinance have noting the do with the heir's property the lady was referring to. The lady inquired if her family could purchase the property that intersects and divides the heir's property she was describing. Mayor Habib stated she would need to speak with the City Administrator about her inquiry. Mr. Drew Sineath and Mr. Troy Johnson, the potential buyers of the property before City Council, inquired if there were any questions concerning what was already presented, as far as the survey and the appraisal. Mayor Habib read title to the proposed Ordinance.

Councilmember Harmon made a motion to table the proposed Ordinance. Councilmember McSwain seconded the motion to table the item so City Council could discuss the reasons for Councilmember Harmon's motion to Table the proposed Ordinance. Councilmember Harmon clarified his motion by stating he wished to have an appraisal done by the City of Goose Creek. Mr. Broom stated City staff should be able to have an appraisal done prior to the November City Council Meeting. Councilmember Green-Fletcher and Councilmember Tekac stated they both agreed the property should be reappraised to ascertain the value.

Mr. Sineath stated the property he and Mr. Johnson are looking to purchase is property owned by the City that happens to be just sitting there, is currently undevelopable for the most part, and just happens to be connected to a parcel he and Mr. Johnson currently own and they would like to make an extension to eventually allow for homes to be built and build the City's tax base. Mr. Sineath stated regarding the TMS number on the appraisal, the City recently sold a piece of the sloth and one of those comps was used in the appraisal and that was the TMS number mistakenly put on the subject property. He stated is was easily updated later that afternoon and the corrected TMS number was put in place. He stated the property was done by a third-party appraiser and appraised for what he and Mr. Johnson even originally offered the City. Mayor Habib called for the vote by all those on City Council wishing to Table the proposed Ordinance until November. Five (5) in favor, two (2) opposed. Motion carried.

- c) **AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF GOOSE CREEK, SOUTH CAROLINA, BY CHANGING THE ZONING CLASSIFICATION OF THE PROPERTY LOCATED AT 787 SAINT JAMES AVENUE (TMS # 234-00-00-047) FROM CONSERVATION/OPEN SPACE DISTRICT (CO) TO GENERAL COMMERCIAL DISTRICT (GC) (Public Hearing & First Reading)**

Mayor Habib stated this is the same property where the new Taco Bell is located next to Devon Forest, and they annexed into the City following completion of that annexation. Councilmember Harmon made a motion to approve the proposed Ordinance in changing the zoning classification from CO to GC. Mayor Pro Tem Condon seconded the motion. All in favor, none opposed. Motion carried.

- d) **AN ORDINANCE TO AMEND THE "CODE OF ORDINANCES OF THE CITY OF GOOSE CREEK, SOUTH CAROLINA", BY AMENDING TITLE XV – LAND USAGE, CHAPTER 151. ZONING, §151.107 – CHANGE OF CITY BOUNDARIES, REGARDING THE ANNEXATION OF NEW LANDS TO REQUIRE A PETITION OF PROPOSED ZONING CLASSIFICATION AS PART OF THE ANNEXATION PROPOSAL (Public Hearing & First Reading)**

Mayor Habib read the title to the proposed Ordinance and stated when property is currently annexed into the City of Goose Creek it is annexed as Conservation Open Space (CO) and only CO, and that creates more work, as well as what could be a bit of disingenuousness on the City if it chose to be so and he would prefer the City not to be so. He stated when someone annexes into the City, their annexation application will include the appropriate zoning for that property in how it particularly fits being in the area in which it is located. There was no discussion. Councilmember McSwain made a motion to approve the proposed Ordinance as stated by Mayor Habib. Mayor Pro Tem Condon seconded the motion. All in favor, none opposed. Motion carried.

Councilmember McSwain made a Point of Order and stated she wished to make sure with the City's Parliamentarian, Mr. Broom, that City Council did indeed adopt the proposed FY 2020 Budget. Mr.

Broom stated yes, City Council passed the proposed budget. Councilmember McSwain inquired if there was a need to have a separate motion after the motion to amend was approved. Mr. Broom stated Councilmember Harmon could have made his motion to adopt the proposed Ordinance as amended, but he made a motion to approve the budget, Councilmember Tekac amended it and City Council voted on his motion and he believes they are fine.

- e) **AN ORDINANCE TO AMEND THE “CODE OF ORDINANCES OF HE CITY OF GOOSE CREEK, SOUTH CAROLINA”, BY AMENDING TITLE III – ADMINISTRATION, CHAPTER 31. CITY COUNCIL, REGARDING THE DUTIES OF THE CITY COUNCIL TO INCLUDE HEARING AND DECIDING ON THE DISPOSITON OF MULTI-FAMILY CONDITIONAL USE PERMITS AND TO AMEND TITLE XV: LAND USAGE, CHAPTER 151. ZONING TO REMOVE §151.171 MULTI-FAMILY CONDITIONAL USE PERMIT DUTIES FROM THE ZONING BOARD OF APPEALS BY AMENDING AS FOLLOWS (Public Hearing & First Reading)**

Mayor Habib read the title to the proposed Ordinance. He stated currently if a developer and/or applicant wanted to build an apartment complex in the City limits of Goose Creek, it is currently a conditional use under General Commercial to apply for and have a conditional use under GC approved, it goes to the Zoning Board of Appeals (ZBA) and their decision is appealable to the Circuit Court of South Carolina. Under the current City Ordinance, apartments can be built inside the City of Goose Creek without the approval of City Council, and with the proposed Ordinance this would change that wherein City Council would be the ones to decide.

Mayor Pro Tem Condon made a motion to approve the proposed Ordinance as stated by Mayor Habib. Councilmember Green-Fletcher seconded the motion.

Councilmember Tekac inquired if the applicant would still be required to meet the fourteen (14) items of criteria before approval is given by City Council. Mayor Habib stated yes. Councilmember McSwain stated she was not opposed to moving the authority from the ZBA to City Council, however, she was wondering if there was room for compromise to let them hear the matter at hand during a Public Hearing and make a recommendation to City Council and City Council would be the final authority. Mr. Broom stated City Council could do that and added the ZBA is a quasi-judicial body and they look at it not to see if it’s appropriate zoning, or is this an appropriate location for apartments, but they are supposed to look at the conditions and the application and see if the application meets the conditions and then make the decision. He stated the PC is more of a zoning body and they care more about land use and where a particular development should be located, so if you give the PC that authority, they may be more subject from wavering from the conditions and make decisions based on zoning. In discussion, Mr. Broom stated conditional use permits for multi-family homes are generally approved by the ZBA, and only some by City Council. Mayor Habib called for the vote. Motion failed.

V. New Business:

- a) **A RESOLUTION AUTHORIZING THE CITY OF GOOSE CREEK TO ENTER INTO AN AGREEMENT OF COOPERATION WITH BERKELEY COUNTY, SOUTH CAROLINA PURSUANT TO THE PROVISIONS OF THE HOUSEING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED (First & Final Reading)**

Mayor Habib read the title to the proposed Resolution. Councilmember Tekac made a motion to approve the Resolution as presented by Mayor Habib. Councilmember Harmon seconded the motion. Councilmember McSwain inquired how funds would be distributed and how would the City

know it's receiving its fair share. Mr. Broom stated Berkeley County will appoint a committee to distribute the funds based on applications. He stated the City would apply for a project, the committee would vote on it and the City would then be awarded money, or not. Mr. Broom stated the City's projects would mostly include sidewalks, demolishing dilapidated buildings and he did not believe there would be any income generated by the City. After a brief discussion, wherein Mr. Broom answered all questions, Mayor Habib called for the vote. All in favor, none opposed. Motion carried.

VI. Old Business:

None.

VII. Department Report:

Public Information Officer Frank Johnson: Mr. Johnson provided City Council with his report and explained how information is shared through the media with our residents and the general public about current events and happenings in and around the City that involve every one of our departments. He stated the City's own social media is consistently being updated with new information about the City and monitored for its content from the public. Mr. Johnson stated the use of the City's website continues to rise and since January 2019 there have been over 500,000-page views and that's with over 200,000 sessions made by over 100,000 users. He stated the average visit is short, which means the website is accessible and easy to navigate; City staff's goal is to have information just a fingertip away. He stated the mobile use is over 50% percent now and the pages that continue to be visited the most fall under City's Recreation, and the uses continue to go up regarding the Business section, including the on-line business application, as well as the calculator. He stated he was gearing up to begin the 2020 Recreation Guide and the last one was very well received by the public per the Director of Recreation. Mr. Johnson stated the City was very happy with winning the award from the Municipal Association of South Carolina for "Creek Rising". Mayor Habib thanked Mr. Johnson for his hard work and stated it means a lot to what is trying to be accomplished by the City as a whole and its much appreciated.

VIII. City Administrator's Report:

- a) **Request to Hire Contractor – Fire Station 2 Parking Lot Re-Surfacing:** Mr. Broom presented a request from the Fire Chief to mill and resurface the main driveway around the building which consists of roughly 13,500 square feet of asphalt, and a request was made to use Howell & Simmons Construction & Paving Co., Inc. of Charleston, SC, for the total amount of \$57,800 which exceeds the \$31,000 budgeted for this project in the 2019 budget; however, he is proposing to use excess funds from the 2019 Fire Department budget to cover the difference in cost for this project.

Councilmember McClary made a motion to approve the request to hire Howell & Simmons Construction & Paving Co, as stated by Mr. Broom. Mayor Pro Tem Condon seconded the motion. Hearing no discussion, Mayor Habib called for the vote. All in favor, none opposed, motion carried.

IX. Mayors Report:

Mayor Habib reviewed the City's participation of a few things that have gone on in our region and state, one (1) being Chief Roscoe and her staff hosting the active shooter training at Stratford High School a few months ago, as well as the City stepping up its participation in the economy of the City's region of the Charleston Metro Chamber of Commerce development tour of our City, wherein approximately eleven (11) people were provided a tour of the City wherein they were shown what's happening and going on, where their investment is needed, and what opportunities are available. He stated just by

engaging, the City is seeing a huge benefit and interest in what is going on within the City, and that in and of itself will spur economic growth which will help balance and diversify our revenues so we can continue to provide the highest level of services that you all expect and deserve without putting that onus on taxpayers. Mayor Habib stated he believes working with people throughout our region and state not only make those areas stronger, but it makes the City stronger as well. Mayor Habib announced there will be a Christmas Parade on December 14th and the City is very excited about having one.

X. Executive Session – No action will be taken on the 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)

Mayor Pro Tem Condon made a motion to go into Executive Session. Councilmember Harmon seconded the motion. All in favor, none opposed. Motion carried. (8:11 pm)

Councilmember Tekac made a motion to come out of Executive Session. Councilmember Harmon seconded the motion. All in favor, none opposed. Motion carried. (9:08 pm)

XI. Adjourn:

Councilmember Tekac made a motion to adjourn. Mayor Pro Tem Condon seconded the motion. All in favor, none opposed. Meeting adjourned at 9:08 p.m.

Date: November 12, 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.