

City Council Meeting
November 12, 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; Police Chief LJ Roscoe; Finance Director Tyler Howanyk; Public Information Officer Frank Johnson; Assistant Fire Chief Norm Cutshall

Staff Absent:

Director of Economic Development Matt Brady

Invocation/Pledge of Allegiance:

Councilmember Corey McClary

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.

II. General Public Comments:

Mr. Mike Delany, Haleswood Circle, commented on the upcoming Goose Creek Referendum (Empower Goose Creek) and stated he did not see it advertised anywhere on the Goose Creek website, yet he has been receiving information from someone who is pushing the Referendum to receive yes votes. Mayor Habib thanked Mr. Delany and stated he was well over his two (2) minutes for comments.

A gentleman who is a resident of Gibbes Forest, was recognized and stated his car was broken into around 3:00 a.m. the other day and inquired if there was a homeless problem in Goose Creek off Westview Boulevard, that he wished to feel safe and didn't want his car to be broken into. Mayor Habib stated he would agree, no one would want that to happen to them. He stated the City's statistics do not show an increase in any of those crime statistics throughout the City.

Mayor Habib recognized Mr. Danford who stated his concern for a proposed rezoning of property from low/medium density to high density and that went before the Planning Commission on November 5, 2019, TMS #235-14-04-007, a property on the east side of Nellow Drive, with up to seventy-eight (78) townhomes being built. He stated his concern has to do with egress in that area and he felt there would be even more congestion. Mayor Habib stated that zoning has not changed, that was a Planning Commission Meeting wherein they voted to recommend the change to City Council. He stated the proposed rezoning would most likely go before City Council in December, and there will be a public hearing at that time, no property gets rezoned without a vote from City Council.

Mr. Donald Nash was recognized and stated at the last City Council Meeting the proposed 2020 Fiscal Year Budget would show no increase in taxes from the City and he stated his property taxes increased. Mayor Habib stated the City did not increase property taxes, there is a difference. Mayor Habib stated the City did not raise his taxes and when reassessment happened, the City lowered the millage rate from 50 ½ to 47 ½, to keep property taxes as close to the same as possible. He stated they could have gone up a few dollars based on large scale math, as well as the Local Option Sales Tax (LOST) wherein you receive a rebate on your property taxes based on LOST. The more houses that are built, the more that rebate is spread out; and that's why he feels economic development is important so it brings in business to increase LOST; therefore, taxes can go up without increasing the rate. Mr. Nash also inquired about the article in the Goose Creek Gazette about Century Aluminum and that it is located within the City of Goose Creek and in another article it stated it has to be annexed. Mayor Habib stated if the Referendum passes, the property will have to be annexed, they are currently not within the City of Goose Creek.

Mr. Joe Fasio, 127 Welchman Avenue, was recognized and stated his wife and him supported Mayor Habib during his campaign when he ran for mayor. He stated he would have to agree with Mr. Delany who spoke earlier on the City supplying power to Century Aluminum, and he wished to know why there was only one (1) article from September 19th found online that was written by the Berkeley Independent and there has been no information made available for the citizens of Goose Creek to review and study this before the December 3rd vote.

Cheryl Worrel was recognized and stated she believed all businesses should start with a business plan and quoted Benjamin Franklin, "If you fail to plan, you are planning to fail".

Mayor Habib thanked everyone for their comments and stated he would make one comment relative to the Referendum and he did not wish to go back and forth with comments. He stated it is against the law for the City of Goose Creek to promote anything about this Referendum to try to encourage the public to vote one way or another. He stated it's very precarious, so the City has tried to stay out of it as much as humanly possible at the level of City staff. Mayor Habib stated there is information available through a group called Empower Goose Creek, it can be found online and anyone from the public was welcome to meet with him and ask any question they like on the subject at any time other than at a City Council Meeting. He stated that was about as much as he would say at the current moment, but what was stated by the two (2) gentlemen is against the law for the City to act; and therefore, it will not be done.

III. Approval of Minutes:

- a) City Council Workshop – September 24, 2019**
- b) City Council Meeting – October 8, 2019**

Councilmember Tekac made a motion to approve the minutes as presented. Councilmember Harmon seconded the motion. Councilmember McSwain stated on page four (4) of the October 8, 2019 City Council Meeting minutes, under the discussion about whether to transfer the authority from the Zoning Board of Appeals (ZBA) to City Council, she requested the minutes be reworded and the audio be listened to again. She stated the one sentence she was referring to was that she was not stating that type of duty should fall on the Planning Commission, that she was making a recommendation and she was questioning if City Council wanted to make a compromise, whether the ZBA would be permitted to give City Council a recommendation rather than voting. Councilmember McSwain requested the City Clerk go back and reword the minutes regarding how she just stated.

Hearing no further discussion Councilmember Tekac amended his motion to include Councilmember McSwain's comments. Councilmember Harmon seconded the motion. All in favor, none opposed. Motion carried.

IV. Public Hearings, Presentations & Proclamations:

- a) PROCLAMATION – TOASTMASTERS' MONTH**

Mayor Habib presented a proclamation to the members of Toastmasters International recognizing the month of November as “Toastmasters’ Month”.

b) PRESENTATION – BERKELEY, CHARLESTON, DORCHESTER COUNCIL OF GOVERNMENTS HAZARD MITIGATION PLAN UPDATE

Mrs. Kathryn Basha, Planning Services Director for the Berkeley, Charleston, Dorchester Council of Governments, made a PowerPoint presentation to City Council regarding the update to the Hazard Mitigation Plan. She stated they have been asked by Berkeley County to assist them in the update of the Hazard Mitigation Plan as required by federal law and of which all jurisdictions are required to show how they have determined what their potential loss of life and damages are due to natural hazards and how they plan to mitigate in order to reduce the amount of life or property if those hazards occur.

V. New Business:

None.

VI. Old Business:

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 (Second & Final Reading)

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

Councilmember McSwain stated she had a general philosophy that the City’s employees on the lower level of the pay scale need to be raised in salary. She mentioned a recent article in a local paper that stated that anyone who rents, their median gross rent is a little over \$1,100, and someone with an income of \$27,000, they are spending 52% of their salary on housing. She stated it would be nice if City Council would take a closer look at the Consumer Price Index (CPI) for next year and maybe gear toward the higher salaries and bring some of the lower salaries up. She stated she understands the 2020 CPI is lower than last year, just under 1.5%. Councilmember McSwain stated it was a great budget and City staff did a great job with what they are working with and she thanked them for all their efforts.

Hearing no further discussion, Mayor Habib called for the vote. All in favor, none opposed. Motion carried.

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 stated the proposed ordinance was tabled at the October City Council Meeting and it was back up for first reading. Councilmember Tekac made a motion to approve the proposed Ordinance as stated by Mayor Habib. Councilmember Condon seconded the motion. Councilmember Tekac stated he was aware the City has a contract for the sale of the property for \$8,200 and there was an initial appraisal, provided by the potential buyer, for \$8,200, the property was appraised at its current zoning as Conservation Open Space (CO). He stated a second appraisal, authorized by City Council, was done by the City at \$28,000; however, it classified the property as what the proposed use of the property would be developed. Therefore, City Council had an issue to discuss.

It was discussed amongst City Council as to what the general procedure was when someone approaches the City to purchase property owned by the City. Councilmember McClary stated he did not agree with the appraisal done by the City because it was based on a zoning that the property is not currently zoned but was

appraised based on the intent of what the proposed buyer plans to develop the property. Councilmember Condon stated to go along with what Councilmember McClary stated, it's kind of like they are changing the rules of the game in the middle after they received some information they did not have when they started, and he personally had an issue. Councilmember Harmon and Councilmember McSwain both stated they felt they property should be sold based on what the property would be rezoned as at the request of the proposed buyer and that the City should have the right to sell the property based on the appraisal done on the planned zoning. Councilmember McClary stated the issue he had was the process and because there is no process currently in place, the buyer should not be penalized. He stated he does believe City Council should look out for the tax payers dollars; however, with the current situation the buyers are saying they have done everything the City has asked them to do and the City basically has said now that you have done everything we have asked, we are going to change the rules in the middle of what you were doing. Councilmember McClary requested there be a process in place to prevent this from happening again.

Mayor Habib invited Mr. Sineath to speak to City Council regarding the appraisals and what has been discussed. In brief, Mr. Sineath stated there were two (2) largely distinctive appraisals based on two (2) different zonings. He stated the appraisal done by the City was done as if the property was zoned R-2 and it is not R-2, it is currently zoned as Conservation Open Space (CO) and the parcel only exists on paper, after a survey, so it can be added to an adjacent piece of property. Mr. Sineath compared the comp studies used on both appraisals and stated he felt there were several holes in the appraisal that was ordered by the City based on comps that were used that were older than one (1) year and also ones provided to property in an already developed area, Beverly Hills. He stated Lindy Creek is not a subdivision. He stated water and sewer lines were going to be a big expense because they aren't located along the property. Mr. Sineath stated he even raised the offer from \$5,000 to \$8,200. There was discussion between Mr. Sineath and members of City Council concerning the comps used by the two (2) different appraisers.

Hearing no further discussion, Mayor Habib called for the vote. Councilmember McSwain requested a roll call vote. Councilmember Tekac – Yes; Councilmember McSwain – No; Mayor Pro Tem Condon – Yes; Councilmember Harmon – No; Councilmember McClary – Yes; Councilmember Green-Fletcher – No; Mayor Habib – Yes. Four (4) in favor, three (3) 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 # 234-00-00-147) FROM CONSERVATION/OPEN SPACE DISTRICT (CO) TO GENERAL COMMERCIAL DISTRICT (GC) (Second and Final Reading)

Councilmember Harmon made a motion to approve the proposed Ordinance by changing the Taco Bell property, located near Devon Forest, from a zoning classification of CO to GC. Councilmember McSwain 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 (Second and Final Reading)

Mayor Habib read the title to the proposed Ordinance and stated when property is annexed into the City of Goose Creek it will now be annexed as its intended use, as opposed to Conservation Open Space (CO). Councilmember McSwain made a motion to approve the proposed Ordinance as stated by Mayor Habib. Councilmember Tekac seconded the motion and stated if they had the proposed Ordinance with the proposed purchase by Mr. Sineath, they may not have the issue they had with the sale of the City owned property. Mayor Habib agreed he may be right. Hearing no further discussion, Mayor Habib called for the vote. All in favor, none opposed. Motion carried.

VII. Department Report:

Planning Director Mark Brodeur: Mr. Brodeur provided City Council with his report of the Planning Department and stated his department's goals were to provide the best service, efficient turnaround time, implement their Geographical Information Systems, to continue to improve inner department workflow and electronic review. He stated the City was in its eighth (8) year of an unprecedented growth spurt. Mr. Brodeur compared 2018 to 2019 and reviewed the number of building permits for both residential and commercial developments and reminded City Council that residential development drives commercial growth. Also reviewed were the Planning Commission, Architectural Review Board and Zoning Board of Appeals and some examples of what they have been working on. He stated his department tries to maintain a same day response with all inquiries. The City is experiencing a very healthy economy.

Councilmember Harmon thanked Mr. Brodeur for all he's doing, and stated City Council was glad to have him with his experience at the helm to help guide the City throughout its upcoming growth because it's a very vital time for our community. Mr. Brodeur thanked City Council for their service and reminded them they would be involved in 2020 with the City's upcoming Comprehensive Plan and stated it would be one of the most decisive actions they take in their tenure as a Councilmember.

Councilmember McClary inquired what Mr. Brodeur felt was the biggest challenge of the City. Mr. Brodeur stated he felt it was connectivity, getting from one location to another within the City seems to be extremely more difficult than it should be and he felt there would be some activities coming to them in the future to improve crosstown connectivity and inter-connectivity between its county and state roads. He stated he has also spoken with Berkeley County's Planning Director about what they consider their major issue to be and it's the same thing for them as it is for the City. Councilmember McSwain confirmed with Mr. Broom about the meeting scheduled for that Friday with Berkeley County regarding the review of the design for Highway 176 (St. James Avenue) and Highway 52 (South Goose Creek Boulevard). Mr. Broom stated it was a Concept Plan Meeting about small improvements that can be made around the intersection and he would be attending that meeting. Councilmember McSwain inquired as to Mr. Brodeur's experience and which board or commission had the authority to issue the types of permits. Mr. Brodeur stated it's been a recommendation from the Planning Commission to the City Council, with the City Council having the final say.

VIII. City Administrator's Report:

None.

IX. Mayors Report:

Mayor Habib pointed out the first inaugural "Clash in the Creek" took place where the City awarded a trophy to the winner of the Goose Creek vs. Stratford High School football game. He stated it was a big deal to the kids of Goose Creek when they won and it's a way to grow and connect the community.

Mayor Habib stated on Saturday, December 14th, the City will be holding a Christmas parade that will start at the old Casey Center property and run along St. James Avenue.

X. Executive Session – No action will be taken on the items discussed in executive session.

- a) **SECTION 30-4-70 (A) (1) DISCUSSION OF EMPLOYMENT, APPOINTMENT, COMPENESATION, PROMOTION, DEMOTION, DISCIPLINE, OR RELEASE OF AN EMPLOYEE (City Employee of the Year)**
- b) **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. (8:13 pm)

Councilmember Tekac made a motion to come out of Executive Session. Councilmember Condon seconded the motion. All in favor, none opposed. Motion carried. (9:34 pm)

XI. Adjourn:

Councilmember Tekac made a motion to adjourn. Councilmember Harmon seconded the motion. All in favor, none opposed. Meeting adjourned at 9:34 p.m.

Date: December 10, 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.