

City Council Meeting
March 10, 2020
7:00 P.M.
City Hall

Council Members Present:

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

Council Members Absent:

Staff Present:

City Administrator Jake Broom; Assistant City Administrator Daniel Moore; City Clerk Kelly J. Lovette; Director of Economic Development Matt Brady; Public Information Officer Frank Johnson; Fire Chief Steve Chapman; Finance Director Tyler Howanyk; Director of Recreation TJ Rostin

Staff Absent:

Invocation/Pledge of Allegiance:

Councilmember Corey McClary

Press Present:

Channel 4 News
Channel 5 News

Guests Present:

None

I. Regular Meeting – Invocation / Pledge of Allegiance:

Mayor Habib called the meeting to order at 7:00 pm. Councilmember McClary said the invocation.

II. General Public Comments:

Mayor Habib recognized Berkeley County Councilman Phillip Obie, II, representative of the Goose Creek area, who stated he wished to thank City Council for working with Berkeley County and County Council in getting the Right-of-Way approved for the new right hand turn lane to be implemented at the intersection of Highway 52 and Old Mt. Holly Road, and Berkeley County Council gave approval last night to approve those funds. Mr. Dave Jacobson was recognized and commented on the City’s procedures for the hiring of a new City Administrator. Mr. Wayne Reader was recognized and commented on recent reports in the news and stated he felt City Council was doing a great job as a whole and that they should continue to work together as a team. Mrs. Susan Dressel was recognized and requested assistance in starting a girl’s beach volleyball club at Stratford High School, and a location in the City to practice. Mayor Habib stated he would look into it and see if there was anything the City could do to help. Mr. Christopher Tucker was recognized and commented about a request he recently made under the Freedom of Information Act and was told he would need a subpoena for a Body Cam recording. Mr. Robert Williams, as resident at 107 Saxton Court, commented on how broken he felt the country was and recommended City Council go to “openthebooks.com” to listen to the speeches on that site. Mr. Richard Fritz, President of the Marrington HOA and was present representing the residents who live in Marrington; he stated the article in Sunday’s Post & Courier was disturbing and he felt the hiring of a new City Administrator should be done by all of City Council, not solely by Mayor Habib and he supported Councilmember McSwain’s actions. Ms. Mary Kennedy commented on her concerns for the screening of applicants for the City Administrator position and that those applications should be shared with all members on City Council. Mr. Alan McDowell was recognized and congratulated the Goose Creek High School Girls Basketball Team for winning another State Championship and that he would like to see a sign on US Highway 52 stating their win. Ms. Cheryl Worrel was recognized and she thanked Mr. Broom for his service and time he has afforded her with her many inquiries. A gentleman from the Marrington/Cobblestone community was recognized and he commented on his concerns and stated he thought there was an agreement about a certain road that would not be used and a new road that would be used to develop a new community in that area. A gentleman from the Lakeview Commons community commented on his concerns regarding the hiring of a new City Administrator and he would urge Mayor Habib and City Council work together. A lady from the Marrington community commented on her concerns regarding the buffer

between her yard and the development going in behind her; and concerns regarding any lead contamination within the area to be developed. Mr. Bert Emmit from the Marrington/Cobblestone community commented on his concerns regarding the development of the Cannon Tract. Mr. James “Jody” Thomas was recognized and commented about his concerns wherein a City Councilmember is suing the Mayor. Mrs. Barbara Bates was recognized and stated she agreed with what Mr. Thomas stated.

III. Approval of Minutes:

- a) **City Council Meeting – February 11, 2020**
- b) **City Council Workshop – February 25, 2020**

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

IV. Public Hearings, Presentations & Proclamations:

- a) **PROCLAMATION – BLEEDING DISORDERS AWARENESS MONTH (First & Final Reading)**

Note: Representative was not able to attend the meeting.

- b) **PROCLAMATION – WOMEN IN CONSTRUCTION WEEK MARCH 1-7, 2020 (First & Final Reading)**

Mayor Habib read the Proclamation and thanked Mr. Jodie Alan, for accepting the proclamation recognizing March 1-7 as Women in Construction.

VI. Old Business:

- a) **AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF GOOSE CREEK, SOUTH CAROLINA, TO PROVIDE FOR CHANGES TO THE ZONING ORDINANCE BY ADDING A NEW SECTION 151.089 MURALS ON PRIVATE PROPERTY (Second & Final Reading)**

Mayor Habib read the title to the proposed Ordinance. Councilmember McClary made a motion to approve the proposed Ordinance as presented. Councilmember Harmon seconded the motion. All in favor, none opposed. Motion carried.

- b) **AN ORDINANCE AMENDING THE PROVISIONS OF ORDINANCE NO. 18-012.5 DATED MAY 8, 2018; AUTHORIZING THE SALE OF THE PROPERTY LOCATED AT 101 BUTTON HALL AVENUE IN THE CITY OF GOOSE CREEK (TMS NUMBER 243-04-00-00-008); AND OTHER MATTERS RELATING THERETO (Second & Final Reading)**

Mayor Habib read the title to the proposed Ordinance and provided a brief background on what was being presented. Councilmember Tekac made a motion to approve the proposed Ordinance as presented. Councilmember Green-Fletcher seconded the motion. All in favor, none opposed. Motion carried.

- c) **AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF GOOSE CREEK, SOUTH CAROLINA, BY REPEALING IN ITS ENTIRETY THE CURRENT CHAPTER 150 BUILDINGS; CONSTRUCTION AND RELATED ACTIVITIES OF TITLE XV: LAND USE AND ADOPTING IN LIEU THEREOF A NEW CHAPER 150 BUILDINGS; CONSTRUCTION AND RELATED ACTIVITIES OF TITLE XV: LAND USE, WHICH IS ATTACHED HERETO AND MADE A PART HEREOF AS IS FULLY SET OUT HEREIN (Second and Final Reading)**

Mayor Habib read the title to the proposed Ordinance. Councilmember McSwain made a motion to approve the proposed Ordinance as presented. Mayor Pro Tem Condon seconded the motion. All in favor, none opposed. Motion carried.

- d) **AN ORDINANCE OF THE CITY OF GOOSE CREEK, SOUTH CAROLINA AMENDING AND MODIFYING”TITLE III, CHAPTER 34: PURCHASING POLICIES AND PROCEDURES” OF THE CODE OF ORDINANCES; AND OTHER MATTERS RELATED THERETO (Second and Final Reading)**

Mayor Habib read the title to the proposed Ordinance. Councilmember Tekac made a motion to approve the proposed Ordinance as presented. Councilmember Harmon seconded the motion. All in favor, none opposed. Motion carried.

e) AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A NON-EXCLUSIVE FRANCHISE AGREEMENT WITH BERKELEY ELECTRIC COOPERATIVE, INC.; AND OTHER MATTERS RELATING THERETO (Second and Final Reading)

Mayor Habib read the title to the proposed Ordinance. Councilmember Green-Fletcher made a motion to approve the proposed Ordinance as presented. Councilmember McSwain seconded the motion. All in favor, none opposed. Motion carried.

VII. New Business:

a) RESOLUTION APPROVING SANITATION TRUCK FINANCING TERMS (First and Final Reading)

Mayor Habib read the title to the proposed Resolution and stated the bank requires City Council to pass a Resolution approving the terms of the financing agreement for three (3) sanitation trucks that were approved to be purchased at the February City Council Meeting. Councilmember Green-Fletcher made a motion to approve the proposed Resolution as presented. Mayor Pro Tem Condon seconded the motion. Councilmember McClary requested his memory to be refreshed and inquired if they were replacing or adding three (3) sanitation trucks. Mr. Broom stated they were replacing three (3). Hearing no further discussion, Mayor Habib called for the vote. All in favor, none opposed. Motion carried.

VIII. Department Report:

Chief Steve Chapman, Fire Department:

Mayor Habib stated Chief Chapman has decided to retire in April from the City of Goose Creek and thanked him for his service. Chief Chapman thanked him and stated he had one more meeting before City Council before he retired, and he would probably be back to see everyone at that time. Chief Chapman presented City Council with a throughough update on the status of emergency services within the City.

IX. City Administrator's Report:

a) Request to Hire Contractor – Recreation Department – Crowfield Tennis Court Resurfacing

Mr. Broom presented City Council with a request and supporting documentation from Mr. TJ Rostin, Director of Recreation, to resurface the City owned tennis courts at Crowfield Golf Club. Mr. Broom stated City staff requests to hire the low bidder, Carolina Sports Surface, to resurface the four (4) courts for the total cost of \$30,800.00, and it is included in the Recreation Enterprise Fund 2020 FY Budget.

Councilmember Green-Fletcher made a motion to approve the contract as stated by Mr. Broom. Councilmember Harmon seconded the motion. All in favor, none opposed. Motion carried.

b) Amendment to Purchase Request - Police Department –Vehicles

Mr. Broom presented City Council with a request and supporting documentation from Chief Roscoe to purchase under South Carolina State Contract eight (8) Dodge Durango police vehicle instead of the ten (10) Dodge Chargers that City Council approved last month. He stated since last month's meeting, the order for the Charges was canceled by Dodge and they were notified by the factory there was a nationwide shortage for police Chargers and that shortage may last as long as a year; City staff's research indicates the only two (2) police vehicles readily available for purchase are Dodge Durango's and Ford Explorers, and the Durango's are less expensive and the city's mechanics prefer them because they have the same engine as the Chargers already in the City's fleet. Mr. Broom requested the vehicle purchase come from Santee Automotive, LLC in the total amount of \$256,704.00, and the purchase is already included in the Police Department's 2020 FY Budget.

Councilmember Tekac made a motion to approve the contract as stated by Mr. Broom. Councilmember Green-Fletcher seconded the motion. All in favor, none opposed. Motion carried.

X. Mayor's Report:

RESOLUTION AFFIRMING THE HIRING PROCESS

Mayor Habib stated under the Mayor's report that evening was a proposed Resolution. Mayor Habib read the title to the Resolution.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOOSE CREEK, SOUTH CAROLINA, AFFIRMING THE HIRING PROCESS PRESENTED BY THE MAYOR TO THE MEMBERS OF COUNCIL AND AUTHORIZING THE MAYOR TO CONDUCT PRELIMINARY INTERVIEWS WITH CANDIDATES FOR THE POSITION OF CITY ADMINISTRATOR (First & Final Reading)

Mayor Habib stated he presented to every member of City Council a procedure that he wanted to follow for the City to hire a new City Administrator. He stated it is important to note that in the City's form of government, City Council is responsible for policy and the Mayor and City Administrator are responsible for the administration of that policy. He stated he presented a procedure to all of City Council what he wanted to follow in order to be inclusive and efficient, he stated he received support and no negative feedback and no objections other than what he had heard from other individuals about Councilmember McSwain. He stated he asked Councilmember McSwain for a meeting so they could address the issue, he made adjustments he was willing to which made changes to the procedure, to include his reviewing of all the applicants, him interviewing a certain number and bringing a group to the entirety of City Council to interview for them to select a finalist. He stated he then presented that process to the entirety of City Council and again heard no objection from any member of City Council. Mayor Habib stated feeling like he had the will of City Council to carry out the plan to proceed, he began the process to hire a new City Administrator and last Friday, City Councilmember McSwain filed a lawsuit against him, the City Administrator and the City of Goose Creek, wherein it was filed electronically, it was sent to the Post & Courier, along with a statement from Councilmember McSwain. Mayor Habib continued by stating out of an abundance of caution he felt it was important to memorialize the will of City Council via a Resolution so that City Council would have the opportunity to vote on the procedure that he presented to them to hire a new City Administrator.

Councilmember Tekac made a motion to approve the Resolution as presented. Mayor Pro Tem Condon seconded the motion. (The attached statement is hereby incorporated into the minutes by the City Clerk. Said minutes were read verbatim by Councilmember Gayla McSwain during the discussion period of said motion.) All in favor, none opposed. Motion carried.

XI. Adjourn:

Mayor Pro Tem Condon made a motion to adjourn. Councilmember Tekac seconded the motion. All in favor, none opposed. Meeting adjourned at 8:21 p.m.

Date: April 14, 2020

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.

Statement by Councilmember Gayla McSwain - attachment to City Council meeting minutes of 3/10/2020

This resolution makes it sound like the mayor can appoint the city administrator all by himself. He cannot. Our city ordinance states that the mayor and council shall appoint an administrator, and that the appointment is to be based "solely upon the person's executive and administrative qualifications."

Our ordinance does not state that we will just "rubber stamp" the Mayor's choice for that position.

This resolution makes it sound like the mayor runs the city; he does not; the administrator does.

The reason our ordinance requires council to hire an administrator is that being mayor is a part time position just like our position as council is part time.

The administrator works full time, and, with benefits included, makes at least \$165,000 per year because he runs the city, supervising hundreds of employees. He is responsible for the safety and welfare of our 45,000 citizens by overseeing the departments of police, fire, sanitation, finances, recreation, emergency medical response, human resources, the city's water utility, the computer systems, and cybersecurity.

By contrast, the mayor works at a full time job of his own, and only works part time as mayor, which pays him \$30,000 per year.

The selection process that the mayor is proposing is ripe for abuse of power. It is not legitimate because the mayor refuses to allow us to see all of the applications. It does not allow for any meaningful input from council. It allows him to select whoever he wants. How can we make an informed decision, as a council, while the mayor is refusing to allow us to see all of the applications? How can we ensure, as required by our laws, that we are appointing the most qualified person as our new administrator if we can't compare all of the applicants?

How can we compare the candidates' executive and administrative qualifications when we haven't seen all of the applications?

As an Army veteran, I know that is OK to trust as long as you can verify. Unless we can review all of the applications, there is no way to verify that we are getting the best candidate.

I will be voting "no" on this resolution, and I encourage my fellow council members to do the same.