

CITY OF HARDEEVILLE
PUBLIC HEARING & REGULAR
CITY COUNCIL MEETING
MINUTES
JULY 19, 2007
6:00 PM

Present: Mayor Rodney Cannon, Mayor Pro-Tem Brooks Willis, and Bill Horton, City Manager Shane Haynes, Assistant City Manager Kevin Griffin, City Attorney David Tedder, City Clerk Virginia Haas, Media Director Paul Floeckher, Chief Richard Nagy, Assistant Chief Dan Morgan, City Engineer Karen Jarrett, Planning Director Brana Snowden, Assistant City Manager Jeff Slocum, Economic Development Director Ted Felder and Special Events Coordinator Alexis Roeber.

I. CALL TO ORDER

Mayor Cannon called the meeting to order at 6 p.m.

II. INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Pro Tem Willis gave the invocation.

III. PUBLIC PRESENTATIONS/COMMENTS (2 MINUTE TIME LIMIT) - NONE

IV. OLD BUSINESS - NONE

V. A. PRESENTATION & APPROVAL OF MINUTES FROM THE JUNE 21, 2007
PUBLIC HEARING & REGULAR CITY COUNCIL MEETING

A motion was made by Council Member Horton to approve the June 21, 2007 minutes. The motion received a proper second by Mayor Pro-Tem Willis and carried unanimously.

VI. NEW BUSINESS

- A. FIRST READING OF AN ORDINANCE ANNEXING INTO THE CITY OF HARDEEVILLE APPROXIMATELY +/-**1,431 ACRES** OF REAL ESTATE LOCATED IN JASPER COUNTY DESCRIBED AS THAT PORTION OF **TMP 038-00-04-008, 038-00-06-162, 038-00-06-134, 038-00-06-039, 038-00-04-046, 038-00-06-166, 039-00-08-103, 039-00-08-102, KNOWN AS THE MONROE TRACT** NOT ALREADY WITHIN THE HARDEEVILLE CITY LIMITS, AS WELL AS ALL ADJACENT PUBLIC RIGHTS OF WAY, RAILROAD RIGHTS OF WAY, WATERS, LOWLANDS AND WETLANDS.
MONROE TRACT (2007-7-19A)

City Manager Haynes explained this petition utilized the 100 percent method and the area is contiguous via the Hardeeville tract. He requested that City Council give favorable

consideration to this petition. The planned development district and development agreement are currently being negotiated. **PUBLIC COMMENT: NONE**

A motion was made by Mayor Pro-Tem Willis to approve Ordinance 2007-7-19A at first reading. The motion received a proper second by Council Member Horton and carried unanimously.

- B. FIRST READING OF AN ORDINANCE ANNEXING INTO THE CITY OF HARDEEVILLE APPROXIMATELY +/-**370 ACRES** OF REAL ESTATE LOCATED IN JASPER COUNTY DESCRIBED AS THAT **PORTION OF TMP 37-00-02-004 EXCEPT FOR PARCEL A CONTAINING +/- 8.31 ACRES** NOT ALREADY WITHIN THE HARDEEVILLE CITY LIMITS, AS WELL AS ALL ADJACENT PUBLIC RIGHTS OF WAY, RAILROAD RIGHTS OF WAY, WATERS, LOWLANDS AND WETLANDS.
RHODES TRACT (2007-7-19B)

City Manager Haynes referred to the map and explained that the **Rhodes Tract** utilized the 100 percent annexation method as well and is contiguous via the Monroe tract. City Staff has reviewed the documentation and the development agreement and planned development district are under negotiation. Staff recommended favorable consideration to approval of Ordinance 2007-7-19B at first reading. **PUBLIC COMMENT: NONE**

A motion was made by Council Member Horton to approve Ordinance 2007-7-19B at first reading. The motion received a proper second by Mayor Pro-Tem Willis and carried unanimously.

- C. FIRST READING OF AN ORDINANCE ANNEXING INTO THE CITY OF HARDEEVILLE APPROXIMATELY +/-**212.38 ACRES** OF REAL ESTATE LOCATED IN JASPER COUNTY DESCRIBED AS THAT **PORTION OF TMP 039-00-08-036** NOT ALREADY WITHIN THE HARDEEVILLE CITY LIMITS, AS WELL AS ALL ADJACENT PUBLIC RIGHTS OF WAY, RAILROAD RIGHTS OF WAY, WATERS, LOWLANDS AND WETLANDS.
POINDEXTER TRACT (2007-7-19C)

City Manager Haynes explained that item C corresponds with the first two agenda items in which the owner petitioned the city under the 100 percent annexation rule. The property is contiguous as established by the Hardeeville and Monroe tracts. Staff asked that City Council give favorable consideration to Ordinance 2007-7-19C. **PUBLIC COMMENT-NONE**

A motion was made by Mayor Pro-Tem Willis to approve Ordinance 2007-7-19B at first reading. The motion received a proper second by Council Member Horton and carried unanimously.

- D. FIRST READING OF “AN ORDINANCE APPROVING THE FIRST AMENDED AND RESTATED DEVELOPMENT AGREEMENT BETWEEN

THE CITY OF HARDEEVILLE AND **HILTON HEAD LAKES, LLC**, OF SOUTH CAROLINA, OWNER OF THE LAND WITHIN THE CITY OF HARDEEVILLE, COMMONLY KNOWN AS THE “**ANDERSON TRACT.**” (2007-7-19-D)

Manager Haynes reported that item D was mentioned at the last City Council Meeting and was a necessary step for the issuance of the Municipal Improvement District and particular clarifications to be completed.

Attorney Margaret Pope, Haynsworth, Sinkler & Boyd, stated that when she had reviewed the development agreement questions arose. She continued that with the help of the City Attorney and Sarah Robertson, McNair Law Firm, they agreed that it would best serve the city to clarify certain areas of the agreement which in turn closed a few loop holes. She explained that these first development agreements are very tedious however they felt it was better to be thorough now. Second reading of the ordinance will occur soon and the schedule provides for closing of these issues sometime in October. **PUBLIC COMMENT - NONE**

A motion was made by Mayor Pro-Tem Willis to approve Ordinance 2007-7-19D at first reading. The motion received a proper second by Council Member Horton and carried unanimously.

- E. A RESOLUTION ENTITLED "A RESOLUTION OF THE CITY OF HARDEEVILLE, SOUTH CAROLINA EXEMPTING FROM THE CITY OF HARDEEVILLE PROCUREMENT CODE PURSUANT TO SECTION 2-180 THEREOF ALL MATTERS PERTAINING TO THE **ANDERSON TRACT PLANNED DEVELOPMENT DISTRICT**, AND THE INITIAL AGREEMENT, DEVELOPMENT AGREEMENT AND PUBLIC INFRASTRUCTURE IMPROVEMENT PURCHASE AGREEMENT ENTERED INTO OR BEING NEGOTIATED BETWEEN THE CITY OF HARDEEVILLE AND HILTON HEAD LAKES, LLC CONCERNING SAME; PROVIDING CERTAIN OVERSIGHT BY THE CITY OF HARDEEVILLE WITH RESPECT TO THE SELECTION OF CONTRACTORS, DESIGN PROFESSIONALS AND/OR OTHER PROVIDERS OF LABOR, MATERIALS OR PROFESSIONAL SERVICES WITH RESPECT TO SAME; AND PROVIDING FOR ALL OTHER MATTERS RELATED TO THE FOREGOING."

Attorney Margaret Pope explained that this short resolution exempts the development of the Anderson Tract from normal procurement codes, but does spell out certain requirements within the resolution. She continued that this resolution is completely dependent upon the public infrastructure agreement. The builder can proceed without following the city procurement code; however the city has control through expressed points in the resolution. The next resolution on the agenda authorizes the public infrastructure and how the bond proceeds are disbursed to ensure the money is spent properly. Attorney Pope explained that the resolution enables a particular standard for when the city takes ownership. These two resolution acts are linked together because, in general, the developer is exempt; however the meat that protects the city is

located in the public infrastructure agreement. The developer will not be able to deviate from the substantive form presented tonight.

Council Member Horton questioned the need to deviate from the city's standard procurement code. Attorney Pope responded that the reasons are located on the second page of the resolution. She explained that the funds are derived from bonds issued by the city, however the MID would be built by the developer. The developer requested additional input regarding who the contractors would be instead of requiring a bid process. The developers also wanted a particular type of prequalification and additional input in regards to the timing of projects. Developers desire to hire contractors who have a proven track record and complete work to certain standards. Council Member Horton explained that due to the nature and scale of project, it would be a design-build project and although there are certain requirements this could be a cost and time saving feature. Attorney Pope stated that this is a partnership and state law applies as if improvements are to be owned by the public. The city has a vested interest in how the project occurs. She concluded that the public agreement has many requirements which the developer must present at the time he desires a disbursement. Should all requirements be followed, everything will be built to the city's standards. **PUBLIC COMMENT – NONE**

A motion was made by Council Member Horton to approve item E. The motion received a proper second by Mayor Pro-Tem Willis and carried unanimously.

F. A RESOLUTION ENTITLED "A RESOLUTION OF THE CITY OF HARDEEVILLE, SOUTH CAROLINA, AUTHORIZING THE ENTERING INTO A PUBLIC INFRASTRUCTURE IMPROVEMENTS PURCHASE AGREEMENT, WITH **HILTON HEAD LAKES, LLC**; AND OTHER MATTERS RELATING THERETO." **PUBLIC COMMENT**

Attorney Margaret Pope reiterated that the developer is only exempted from the procurement code dependent upon the approval and signing of the infrastructure agreement. The procurement resolution is not effective until the public infrastructure agreement is signed. She continued that the infrastructure agreement was for the protection of the city and the developer has been most gracious. She concluded that the city desires good quality improvements which will require much staff oversight time. **PUBLIC COMMENT - NONE**

A motion was made by Mayor Pro-Tem Willis to approve item F. The motion received a proper second by Council Member Horton and carried unanimously.

VII. COMMITTEE REPORTS

Public Works: Mayor Pro-Tem Willis reported on the following drainage projects: Boyd Street, McTeer Street, and Industrial Park. Recreation Director Gailey will be interviewing potential candidates for the Public Works Department. Mayor Pro-Tem Willis stated that Earl Cooler was on vacation and expressed his condolences to Council Member Jones who was ill and unable to attend the meeting.

Planning & Zoning: Council Member Horton stated that Planning Committee will be finalizing details for the sign ordinance which prepares a totally revised section for review by City Council. He noted the sign ordinance would work well for new and existing businesses in the city as well as to protect the city.

Recreation Department: High School football begins in August and will be shown on HTV. The National Night out event is scheduled for August 7th from 6 to 9 p.m.

Council Member Horton, Mayor Cannon and Mayor Pro-Tem Willis all expressed that the MASC Conference in Greenville was very worthwhile and one of the best conferences they have attended.

Assistant Manager Kevin Griffin reported on a downtown redevelopment project where students and professors conduct a 3-day survey of the public and businesses to generate input for their vision of Downtown Hardeeville.

VIII. MANAGER'S REPORT

Engineering: **City Engineer Karen Jarrett** reported on city drainage issues. She reported the signal mast arms project had proceeded to bid with a scheduled opening on August 8th. She explained that Highway 278 had become a topic of discussion and the proposed extension brought concerns about the railroad being elevated to cross I95 which would be extremely expensive. She noted that a more popular subject is the Highway 278A. She is meeting on Monday with the Regional Technical Advisory Group.

Mayor Pro Tem Willis asked which areas are affected by the McTeer pumping station. Engineer Jarrett responded that this consisted of a large area and a map could be provided to the citizens through the city web site.

Municipal Court: Judge Carroll reported 345 tickets disposed; 51 bond hearings, and a proud finalized state audit with possible refund.

Fire Department: Asst. Chief Morgan reported 58 fire rescue and EMS calls; 1 hazardous condition; 3 service calls, 3 false alarms and 6 severe weather calls. He reported 89 total calls with an average of 4 minutes 22 seconds response time; 5 minutes 8 seconds response time for the year. The Fire Marshall issued 30 code violations, attended 2 court appearances, reviewed 10 sets of plans, and conducted 15 inspections.

Council Member Horton and Mayor Cannon thanked the Fire Department and the county-wide mutual aid for their assistance at the recent fire in the paper recycling plant.

Police Department: Chief Richard Nagy reported on the Police Department's assessment period, organizational structure, reviewing of evidence, chain of custody, and weapons qualifications. He reported on the status of the school resource officer. Chief Nagy reported that the Department had past issues regarding wrecker services and they are meeting next Wednesday with 6 companies to go over standards and criteria per the city ordinance. He reported that Dennis Hutchinson graduated from the academy and Sgt. Middleton was placed in the detective position. Chief Nagy thanked the residents of Carr Moor Acres for their community policing efforts.

Council Member Horton reiterated the importance of partnerships between our citizens and government.

Economic Development: ED Director Ted Felder reported on improvements to properties in the city to make the area more desirable. He reported on his discussion with the county about improvements to park entrances in the city. He thanked City Council for their attendance at the last Jasper County Awards Banquet.

Recreation Department: Special Events Coordinator Alexis Roeber reported on cheerleading and football registration with a fee of \$35. She reported on the upcoming National Night Out scheduled for August 7th from 6-9 p.m. She concluded her report with the Hardeeville Football Jamboree, Friday Night Football and October's Celebrate Hardeeville.

Planning Department: Planning Director Snowden reported attendance to a conference in June that explained what developers hear regarding master planned communities. She thanked all those who assisted in the update of the sign ordinance. Ms. Snowden reported many re-submittals of plans and revisions while the engineers are learning the new process. She reported that the Planning Commission has cases and a training session on legal issues coming forward. She reported Town Park Jasper had a violation in early June which they have remedied. The stop work order will be removed when one more item is corrected. Ms. Snowden introduced Planner 1, Jennifer Little, who graduated from Indiana University. Planner Jennifer Little thanked council for the opportunity to work for the city and called for any questions.

City Manager Haynes announced that Jeff Slocum is now the City's new Assistant City Manger of Operations.

Assistant Manager Griffin reported on the City-wide mapping program update which will improve 911 addressing and will provide detailed information about residential and commercial structures in the city.

City Attorney David Tedder reported on continued challenging work on the sign ordinance, planned development districts and development agreements. He reported that Tony Maglione will be presenting to the Association of Counties on August 3, 2007.

IX. ADJOURNMENT

A motion was made by Council Member Horton and seconded by Mayor Pro Tem Willis to adjourn the meeting. The motion passed unanimously. The meeting adjourned at 7:20 p.m.

Virginia S. Haas, City Clerk
SEAL

Date