

CITY OF HARDEEVILLE
PUBLIC HEARING & REGULAR
CITY COUNCIL MEETING
MARCH 16, 2006
6:00 PM

Present: Mayor Rodney Cannon, Mayor Pro Tem Brooks Willis, Council Members Earl Cooler, Bea Jones, and Bill Horton. City Attorney David Tedder, Assistant City Administrator Kevin Griffin, Recreation Director Bobby Hiott, Planning Director Brana Snowden, Police Chief Jimmy Hubbard, Fire Chief John Ekaitis, Media Director Paul Floeckher, and IT Director Jeff Broxton. Finance Director Santesia Henderson and City Clerk Cindy Thompson are attending a conference at MASC. City Administrator Shane Haynes is on vacation.

I. CALL TO ORDER

Mayor Cannon called the meeting to order.

II. INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Pro Tem Willis gave the invocation.

III. PUBLIC PRESENTATIONS/COMMENTS

Mr. J.W. Harper came before council to discuss the Hardeeville tract. He is concerned that this will be a threat to the Union Landing Road in the future. The road has been a public road to a public landing and it's the only access to the wildlife refuge and is the only place for access in to the landing between Millstone Landing and Hwy 170. The boundaries of the refuge are the Savannah River Swamp. When the Union bag deeded the land to the refuge, it was immediately barricaded. At that time, they protested it and had the road opened back up. As they develop the property, but a lot of people would hate to see the road closed. Mayor Cannon stated they will speak with the developers and hopefully that can be worked in to the plan.

Mr. Calvin Bailey from SC Forestry Commission came before council to discuss "Living on the Edge" workshop that will be held next Wednesday at City Hall. This is part of the wild land fire series that they have. The other is "How to have a Fire wise home." The Forestry Commission has a concern about fire threat that is moving into these areas. The workshop on Wednesday is for community leaders. This will start at 9 am and end at 3 pm. It is a very worthwhile program and talk about how to build communities in the wildlife. There is a welcome packet in there that will be given to people that come and apply for a building permit within Jasper County.

Mayor Cannon mentioned that this is "Sunshine Week." Attorney Tedder stated that this is a week that the SC Press Association sets aside to participate and remind citizens of the Freedom of Information Act. Hardeeville has managed to work with franchise agreements and see what their government is doing via the television station. Attorney Tedder went over some of the

Frequently Asked Questions regarding FOIA requests. See attached. There will be a satellite presentation on May 4th at Point South.

A. DISCUSSION OF THE SOUTH CAROLINA PARKS, RECREATION & TOURISM RECREATIONAL TRAILS PROJECT

Recreation Director Bobby Hiott stated they are applying for a trail grant for behind the baseball fields. This is processed through the state at a federal level. There is approximately \$500,000 and the grant is a 80-20 percent match and is a reimbursement grant. The deadline is March 22. See attached. Mayor Pro Tem Willis inquired if we were currently working with the hotel and restaurant community. Director Hiott stated that he has been working with them. Council Member Horton emphasized that kids typically take the shortest way to get somewhere and this would interconnect our neighborhoods with a safer way to get there. Mayor Cannon read a letter that he received commending Bobby Hiott for the benefit for Anna Maria Bennett.

IV. RESOLUTIONS

A. RESOLUTION APPROVING FINANCE TERMS FOR FLEET EQUIPMENT

ACA Griffin stated that this concerns replenishment for vehicles in the fire, police, and administration departments. It also includes tractors for mowing in the public works department. Council Member Horton inquired about whether or not we are replacing the police department vehicles. Chief Hubbard stated they are replacements. Council Member Horton inquired about the fire department vehicles. Chief Ekaitis stated that the van is used for training to Columbia and the on duty Captain. The SR8 is a transport vehicle for incidents on the interstate and house fires and also has high mileage. He also stated that with all the businesses coming into town, they will be doing more fire inspections and this will be a lot more economical for that purpose. Council Member Jones inquired about the van with the high mileage and it may need a new rear end. Chief Ekaitis stated that it does need a new rear end and will try to replace it next year. Mayor Pro Tem Willis made a motion to accept the resolution; motion received a proper second from Council Member Jones and passed unanimously.

V. OLD BUSINESS (COUNCIL ACTION WILL FOLLOW PUBLIC HEARING)

A. SECOND READING OF AN ORDINANCE OF THE CITY OF HARDEEVILLE, SOUTH CAROLINA, APPROVING THE EXECUTION AND DELIVERY OF AN AGREEMENT PURSUANT TO SECTION 5-37-45(A)(2) OF THE SOUTH CAROLINA CODE OF LAWS OF 1976, AS AMENDED, WITH JPR PROPERTIES, LLC; APPROVING THE EXECUTION AND DELIVERY OF A LETTER OF

INTENT WITH JPR PROPERTIES, LLC; AND OTHER MATTERS
RELATING THERETO (2006-3-2C)

ACA Griffin stated this is a letter of intent to begin the process on the municipal improvement district on East Argent. Eric Shytle stated they are creating the establishment of a MID on the East Argent tract. The statute provides that you cannot include public improvements that are under construction at the time the district is established. The JPR folks believe that they will want to begin construction before we actually establish the district. There are two exceptions in the statute to the prohibition on including improvements that are under construction. The first is if a development agreement relating to the property has been executed; we have a Development Agreement in place with JPR that goes back to July of last year. The second exception says that if you approve a written agreement by ordinance allowing construction to commence on these improvements, then you can also go forward on that basis. To be sure, we are doing the ordinance and the public hearing requirements to make sure we have the written agreements in place. Attorney Shytle does want to point out that this does not obligate the city to establish the MID, there is an improvement list that covers the items. They will determine at an appropriate time whether we establish the MID, and if we do, what improvements will be financed. This says that we can go forward on the basis that we understand now, and if we choose to finance this, we can include these improvements within the MID financing. Council Member Horton inquired about the list of items that would be included in the MID for the public's information has to be public infrastructure type things such as roads, drainage, water, sewer and something that all monies will be paid by those property owners within that Municipal Improvement Districts, and nothing will be paid by the existing citizens of the city. Attorney Shytle stated that is correct.

PUBLIC COMMENT-None

Council Member Horton made a motion to accept this ordinance as written; his motion received a proper second from Council Member Jones and passed unanimously.

B. SECOND READING OF AN ORDINANCE ANNEXING TMP 029-00-04-002 (+/- 7.49 AC) KNOWN AS THE TWO SISTERS PROJECT (2006-2-16A)

ACA Griffin stated that this is the parcel one of the Two Sisters Project. Nothing has changed since first reading and should proceed as written.

PUBLIC COMMENT-None

Mayor Pro Tem Willis made a motion to accept this ordinance as written; his motion received a proper second from Council Member Cooler and passed unanimously.

C. SECOND READING OF AN ORDINANCE ANNEXING TMP 030-00-01-001 (+/- 79.58 AC) KNOWN AS THE TWO SISTERS PROJECT (2006-2-16B)

ACA Griffin stated there have been no changes since the first reading.

PUBLIC COMMENT-None

Council Member Jones made a motion to accept this ordinance as written; her motion received a proper second from Council Member Horton and passed unanimously.

D. SECOND READING OF AN ORDINANCE TO ZONE APPROXIMATELY 7.49 AC KNOWN AS TMP 029-00-04-002 FOR THE TWO SISTERS PROJECT TO LIMITED INDUSTRIAL (2006-3-2A)

ACA Griffin stated this is a continuation and an ordinance to assign zoning to the 7.49 acre tract that council just annexed. He also stated there have been no changes made since the first reading.

PUBLIC COMMENT-None

Mayor Pro Tem Willis made a motion to accept this ordinance as written; his motion received a proper second from Council Member Cooler and passed unanimously.

E. SECOND READING OF AN ORDINANCE TO ZONE APPROXIMATELY 79.58 AC KNOWN AS TMP 029-00-04-009 FOR THE TWO SISTERS PROJECT TO LIMITED INDUSTRIAL AND GENERAL RESIDENTIAL (2006-3-2B)

ACA Griffin stated there has been one change in the ordinance itself that was left off in the Now Therefore section referring to limited industrial and general residential being shown on the attached drawing. Council Member Horton inquired about the attached drawing with the excerpts for each zoning. ACA Griffin stated they could add that in to the attached drawing.

PUBLIC COMMENT-None

Council Member Horton made a motion to accept the ordinance with the amendment of adding the two types of zoning shall be added to the attached drawing; his motion received a proper second from Council Member Jones. Attorney Tedder stated that he has corrected the ordinance by adding the acreage for each zoning district to the ordinance.

VI. PRESENTATION & APPROVAL OF MINUTES FROM THE MARCH 2, 2006 PUBLIC HEARING & REGULAR CITY COUNCIL MEETING

Mayor Pro Tem Willis made a motion to accept the minutes as written; his motion received a proper second from Council Member Cooler and passed unanimously.

VII. NEW BUSINESS(COUNCIL ACTION WILL FOLLOW PUBLIC HEARING)

- A. FIRST READING OF AN ORDINANCE OF THE CITY OF HARDEEVILLE, SOUTH CAROLINA, APPROVING THE EXECUTION AND DELIVERY OF AN AGREEMENT PURSUANT TO SECTION 5-37-45(A)(2) OF THE SOUTH CAROLINA CODE OF LAWS OF 1976, AS AMENDED, WITH CORE COMMUNITIES OF SOUTH CAROLINA, LLC; AND OTHER MATTERS RELATING THERETO (2006-3-16A)

Attorney Tedder stated that this is a core lay ordinance as to the one just had for second reading for JPR. It will allow the construction of improvements prior to the formal adoption of the full MID process. He also stated that there are no changes except for the parties and the dates between the ordinances that we approved under Item A in Old Business.

PUBLIC COMMENT-None

Mayor Pro Tem Willis made a motion to accept this ordinance as written; his motion received a proper second from Council Member Cooler and passed unanimously.

- B. FIRST READING OF AN ORDINANCE OF THE CITY OF HARDEEVILLE, SOUTH CAROLINA, AUTHORIZING THE ESTABLISHMENT OF THE TRADITION IMPROVEMENT DISTRICT; PROVIDING FOR THE FINANCING OF IMPROVEMENTS WITHIN THE TRADITION IMPROVEMENT DISTRICT BY ASSESSMENTS, ISSUANCE OF BONDS, OR OTHER REVENUES AS HEREIN DESCRIBED; APPROVING AN ASSESSMENT ROLL AND THE SENDING OF A NOTICE OF SUCH ASSESSMENT TO PROPERTY OWNERS; AND OTHER MATTERS RELATING THERETO (2006-3-16B)

Attorney Shytle stated that the simple version of what this ordinance does is that it creates the Tradition Municipal Improvement District. The primary purpose of this ordinance is to establish the Tradition Improvement District. At the same time that you establish a district, you also impose the assessments. The assessments are imposed on the property owners in addition to property taxes only of those property owners within the district. There are a number of exhibits that go with this ordinance. The first document is the assessment roll which says here is the property and here is the amount of the assessment. That in turn, has further exhibits to it. Those exhibits state how we are going to allocate the assessments out once the property is subdivided; how we are going to pay the bonds each year and so on. There are two assessment rolls; there is assessment roll A which is the assessment that we have been discussing from the beginning that will be passed on to home owners as they buy their homes. This assessment roll reflects the maximum amount of that assessment will be \$480.00 a year. There is also the assessment roll B which is a residual assessment to cover additional expenditures that is

intended to be prepaid by the developer when lots are taken down. Prior to the conveyance to the ultimate home owner, these assessments would be paid off by the developer or the third party construction company. The home owner will never see this assessment. This assessment, if triggered, will not be in place until some years down the road. Council Member Horton stated that one of the reasons we are going through this is that Core is considering reducing the number of lots that they are going to sell as residential units there. Attorney Shytle stated that they are reflecting 8,000 units and that number still may be subject to adjustment.

PUBLIC COMMENT-None

Attorney Tedder stated that these are not obligations of the city; the city is not responsible for paying the money back. It is a non recourse bond issuance.

Council Member Jones made a motion to accept the ordinance as written; her motion received a proper second from Mayor Pro Tem Willis and passed unanimously.

- C. **FIRST READING OF AN ORDINANCE ANNEXING TMP 040-14-01-001 (+/- 5.36 AC) LOCATED ON JENKINS AVENUE(2006-3-16C)**
- Planning Director Snowden stated that the proposed zoning they are requesting is General Commercial and is also requesting annexation of these 5.36 acres. It is currently zoned Restricted Development with Jasper County. They are proposing for General Commercial zoning for the purpose of a plumbing supply warehouse and some small office space for a plumbing contractor. She also stated the area is surrounding by a mixture of uses. The Restricted Development in Jasper County allows any use so the request of General Commercial actually limits the use. We also have development standards that have to be met including buffering and screening from residential uses and zoning districts. Mayor Cannon inquired if Jasper County has any. Planning Director Snowden stated that Jasper County has some setbacks but do not have the amount of walls, masonry, etc. that we do have. Mayor Cannon inquired that by them requesting to come into the city that we are actually protecting the residents better rather than what it would be if it was in the county. Planning Director Snowden stated potentially, yes. She also stated that the Planning Commission voted in favor of this 6-1. ACA Griffin stated that we did have one of the Planning Commission members being concerned that this may be spot zoning and the effect it would have on the community. The staff felt that the property coming out of the county zoning is basically an unrestricted zone that allows most any use; with it coming into the city, they felt like the adjoining properties would have better protection if it did stay in the unincorporated counties. As well as the applicant has requested this zoning district; which is the best recommendation for their property, but it is ultimately up to council what they feel like is best for the city. Mayor Cannon inquired about the Planning Commission having a public hearing on this item. Planning

Director Snowden stated that it was open for public comment and that no one had any public comments. Mayor Pro Tem Willis stated that he understands that this property is currently contiguous to the city limits. ACA Griffin stated that it shares a common property corner. Council Member Jones inquired about whether or not they knew what the size of the proposed warehouse. ACA Griffin stated that it would be around 5,000 square feet. Planning Director Snowden stated that is a doable size. Mayor Cannon stated that it would help protect the owners in the area better. Planning Director Snowden stated that it includes walls and fences that is also a buffer in our ordinance now. Council Member Horton addressed the concern of the access and the amount of traffic that will be generated and that we will need to be cautious. Planning Director Snowden stated that it will be for storage purposes and not retail. It should be low traffic generated.

PUBLIC COMMENT-None

Council Member Jones made a motion to accept this ordinance as written; her motion received a proper second from Council Member Horton and passed unanimously.

D. FIRST READING OF AN ORDINANCE TO ZONE APPROXIMATELY 5.36 AC KNOWN AS 040-14-01-001 FROM RESTRICTED DEVELOPMENT TO GENERAL COMMERCIAL LOCATED ON JENKINS AVENUE (2006-3-16D)

PUBLIC COMMENT-None

Council Member Horton made a motion to accept this ordinance as written; his motion received a proper second from Council Member Jones and passed unanimously.

VIII. COMMITTEE REPORTS

Public Works-Mayor Pro Tem Willis stated they will be having a public works meeting in the morning to continue their planning on the items discussed in the last meeting. Mr. Tony Maglione stated they have added another project working with the folks at the existing Industrial Park with the drainage. They will have recommendations and improvements with estimated costs for that with the public works committee. Council Member Horton mentioned that they received a presentation from the planner in reference to the possibility of the extension of the beautification project. They are waiting on the final disposition of the funds.

Council Member Jones mentioned that the POW WOW was this past weekend and this is the best turnout they've ever had. She stated that this is an emphasis on the culture of the Indians in the new world. She would also like to congratulate the Police Department on their efforts with the POW WOW. Council Member Horton mentioned that the Indians in the various tribes honor our veterans very much. The POW WOW is good clean fun and brings people from all different areas.

IX. ADMINISTRATOR'S REPORT

ACA Griffin stated that in the next few weeks the Department of Commerce will be making a site visit for the opportunity grant application that funds up to \$950,000 for downtown redevelopment. We made it through the first round, the comments we got back were that they couldn't believe that we have already done this much planning with Hardeeville. This is a very competitive grand process but feel confident that that our ongoing and past efforts demonstrate the City's commitment into redeveloping the downtown area. He also stated that the staff is continuing to lobby our SC legislatures through MASC; one item in particular is the bill introduced on March 8 that has to do with annexation. It would severely restrict the powers of annexation because it would prohibit annexation across right of ways, waterways, railroad tracks, and other things such as that. We hope the bill meets strong resistance in the House. He also stated that one other piece of legislation that passed yesterday in the House is the Imminent Domain and Just Compensation Bill that related to the taking of private property for a public use for economic development purposes. The Just Compensation Bill requires just compensation to property owners by any rezoning. Council Member Horton stated that this does not just affect adjoining property, but also affects properties blocks away. ACA Griffin also stated that the Streetscape Project continues to move along; the plant materials are being installed daily. It should be completed within 45 days. He also stated that the budget process is moving along and hope to complete department head meetings by the beginning of April. He also wanted to comment on Bobby's presentation on trails; that by adding on to our recreation complex with the trails is a very valuable tool; it draws a number of other people into the community; it is also a great tool for interconnecting; it is also a good tool for when you are going for other grants and applications such as the opportunity grant program. You get points in those other grants and programs for having a trails systems and having interconnectivity in your community. On the development front, we continue to have a lot of activity which includes the development plans for Tradition and Hampton Pointe. ACA Griffin also stated that Mr. Hatter and our Code Enforcement department are having problems with people going out and doing tree removal and things such as that without obtaining a permit prior to the work being done. They are preparing a packet now that will be put up on the website and also doing a story on HTVN to make sure that everyone understands exactly what the process is. ACA Griffin wanted to let Mr. Harper; who spoke earlier this evening; that he believes in keeping that connectivity to the Savannah Wildlife Refuge is very important. He stated that there are provision in the Development Agreement for committing and retaining access to the Savannah Wildlife Refuge. There is also a 75 acre public park that will be in the area from Millstone Landing between Purrysburg Road and the Savannah Wildlife Refuge that also has a pond on it in with the development plan for the Hardeeville tract. ACA Griffin also stated that the Fire Wise community program is an excellent presentation.

Mayor Cannon turned the floor over to Council Member Earl Cooler. Council Member Cooler wanted to thank everyone for their prayers and support while he has been out sick.

X. ADJOURNMENT

Council Member Jones made a motion to adjourn; her motion received a proper second from Council Member Cooler and passed unanimously.