

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

Present: Mayor Rodney Cannon, Mayor Pro Tem Brooks Willis, Council Members Bea Jones and Bill Horton. Council Member Cooler is out sick. City Attorney David Tedder, Asst City Administrator Kevin Griffin, Police Chief Jimmy Hubbard, Treasurer Santesia Henderson, Fire Chief John Ekaitis, Media Director Paul Floeckher, and IT Director Jeff Broxton. City Administrator Shane Haynes and also Recreation Director Bobby Hiott are on vacation. City Clerk Cindy Thompson is out sick.

**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**

None

**IV. OLD BUSINESS(COUNCIL ACTION WILL FOLLOW PUBLIC HEARING)**

**A. SECOND READING OF AN ORDINANCE TO SET A REFERENDUM ON THE QUESTION OF CHANGING THE FORM OF MUNICIPAL GOVERNMENT(2005-11-17B)**

Attorney Tedder stated this item has been discussed to change the form of government which is the preferred method of growing cities and larger cities. There was a favorable reading before the end of the year that would set a referendum for the second Tuesday in May if it is found to be in the wishes of the citizens to change the form of government that would take effect in June when the new council is formed.

**PUBLIC COMMENT-None**

Mayor Pro Tem Willis made a motion to accept the ordinance as written; his motion received a proper second from Council Member Horton. Council Member Jones commented that previously she voted nay on this ordinance to voice her opinion

about this referendum; however she will support it going to the people for a vote. This ordinance passed unanimously.

**V. PRESENTATION & APPROVAL OF MINUTES FROM THE FEBRUARY 2, 2006 PUBLIC HEARING & REGULAR CITY COUNCIL MEETING**

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

**VI. NEW BUSINESS(COUNCIL ACTION WILL FOLLOW PUBLIC HEARING)**

**A. FIRST 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 these annexation and zoning assignments (Items A & B) have two properties that are adjacent to Stiney Road. The current zoning is Restricted Development through Jasper County. The owner is asking for Limited Industrial zoning. Adjacent parcels consist of unincorporated Jasper County which are also zoned Restricted Development; adjoining uses are timber tracts, residential, and light industrial uses. There are single family residences located to the north and the south to the east is the light industrial uses. It is contiguous by the Hardeeville Industrial Park. The overall project will also include some General Residential with affordable housing. Mr. Viljack; owner of the property, stated that current master plan has the division line splitting the Two Sisters 79+/- acres with the north side being light industrial and the south side being general residential, and then the 7.49 being light industrial. Mayor Cannon inquired if they would be submitting a master plan. Mr. Viljack stated that they will be submitting a formal master plan after everything is subdivided with the engineering firm.

**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 Jones and passed unanimously.

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

Mayor Cannon stated this is the second half of the Two Sisters project. ACA Griffin stated that the SJHPC did have unanimous approval for these items.

**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.

**C. FIRST READING OF AN ORDINANCE FOR A PDD AMENDMENT FOR TMP 029-46-10-022 (+/-130 AC) LOCATED ON JOHN SMITH ROAD AND MCTEER STREET KNOWN AS THE GRAY PROPERTY(2006-2-16C)**

ACA Griffin stated this property is the current Gray property which exists to the rear of the Recreation center. The PDD was approved two years ago; the lower end was originally planned for single family residential which was then donated by Mr. Gray for the Recreation Center. To the northeast of the property is currently zoned General Commercial, the applicant is requesting to add some Limited Industrial uses for the property with the intent of a building supply company and also being able to manufacture trusses and windows on site for the building supply itself. They would like to make this amendment to add these uses so they are able to do this within the building supply itself. He also stated that the SJHPC did vote unanimously for the amendment. Mayor Pro Tem Willis inquired if this would interfere with any residential areas. ACA Griffin stated that currently across the street is timber property and to the west are commercial lots and is buffered with wetlands.

**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.

D. FIRST READING OF AN ORDINANCE TO AMEND THE HARDEEVILLE CODE OF ORDINANCES ARTICLE VI SECTION 2-171 THROUGH 2-181 FOR PROCUREMENT

Attorney Tedder stated that a memorandum was provided to point out that the procurement ordinance had been reviewed to make sure we were in conformity with lawful requirements for bidding and award of contracts; we are; but they suggested as we move forward into the more active phase of working with developers and having public works projects that were part of the bonding issuance for the MID that we consider adding some things to the procurement ordinance and have now brought forward tonight a new ordinance that incorporates in great detail the policy that they had brought forward as well as existing portions of our present ordinance such as vendor preference and how we manage contracts within the city. It is staff's recommendation that council favorably consider this ordinance amendment. Mayor Cannon also stated that it is the Finance Committee's recommendation. Council Member Horton inquired in reference to Item E on page 1 concerning the purchasing agent having authority to remove temporarily the names of vendors do not have business licensees, etc. He wondered if there was any particular reason that we are using a temporary removal or can we remove that word to have the option to remove that vendor period if they attempt to defraud the city. Attorney Tedder stated that this particular section here is verbatim our existing ordinance. He stated that was not changed. This ordinance was amended in 2003 which also gives vendors a chance to fix the default and get back on the list. Attorney Tedder stated this version has been looked at by our bond council which are contract specialists. If it is council's wishes, if we need to take that section and split the sentence and provide for a more severe penalty for a malfeasance and can take that up between now and second reading. Council Member Horton suggested that we not necessarily tie our hands in this fashion by specifying that no matter what happens the worst penalty is you could be temporarily removed from the list. Page 2. Council Member Horton inquired if there is anywhere in the ordinance to specify how we do publications or public notice of items. Treasurer Henderson stated that by law there are certain announcements

that we have to run all the locations newspapers. Page 4. Council Member Horton is concerned about the emergency procurement sentence that states critical economy and efficiency; he feels that leaves it wide open. He understands in case of emergencies we might need to go into an emergency procurement procedure, but otherwise we should be able to follow our normal procedures. Treasurer Henderson stated that they were using hurricanes as an example; she stated that the federal government has a specific timeline that we have to report exactly what we need. That is the reasoning for the implementation of the wording in case the city was announced as a disaster area. Council Member Horton inquired if whether or not that would fall under other emergency conditions. Mayor Cannon stated not for us because of the paperwork that has to be declared and turned in. He stated that the federal would declare it, but we would need to declare an emergency to be able to use the funds for procurement to do those things. It needs to be where we can decide what needs to be sent to FEMA for reimbursement. Council Member Horton asked for an example. Treasurer Henderson stated an example would be if a lot of trees are down in town and there is not a local company that could come when needed; they may not fulfill our procurement codes but they may have been approved from the government; do we fault the system and follow the city's procurement codes or does she have the authority to choose someone off of FEMA's list that we can go ahead and get in and then let FEMA reimburse the city. Mayor Cannon stated that would come under emergency. Council Member Horton stated that he understands that; but the phrase reads "procedures, the director may make or authorize others to make emergency procurements where there exists an immediate threat to public health, welfare, critical economy inefficiency or safety under emergency conditions and provided that such emergency procurement shall be made with as much competition as practical under these circumstances." Council Member Horton stated that the example Treasurer Henderson gave with the trees would fall under public health, safety, and welfare of the citizens. Council Member Horton doesn't understand an example for the critical economy and the inefficiency that isn't covered by the other phrases in the

statement. Attorney Tedder stated that between now and the next time; he will pull the 2003 procurement file and let him try to get the rational they recommended with those words being used. Page 5 in reference to bids and local vendors. Council Member Horton stated that many municipalities and communities do have a local vendor preference; they have stipulations for such; a maximum percentage or dollar amount on bids. He thinks it should be our job as representatives to the citizens and the businesses of this city that we do give them a little bit of an advantage if at all possible when it comes to working on city projects and would like to see us include some form of local vendor preference in our procurement policy. Mayor Cannon stated that would not be a bad idea as long as it is also written in there that we have the right just because they are within that that we do not have to give it to them. Council Member Horton stated that we could set guidelines such as others being 5% or a \$2500 maximum; which is pretty common and works to our advantage for the businesses. Attorney Tedder stated there are a couple of issues that we do have to be aware of such as we are purchasing grants and other programs that do not allow us to give local vendor preference so we need to make certain that we take care of that. Mayor Cannon stated that it read in there that when and the council does not have to give to local preference. Attorney Tedder stated he has made a note about the 5% up to \$2500 where not otherwise prohibited by regulation or law. Treasurer Henderson stated that as long as we apply for federal grants, you have to be particular to what is in your procurement ordinances when applying for grants to be in line with the federal and state when applying for funding. Page 9 in reference to protests. Council Member Horton stated that it reads “if the protest is not resolved by mutual agreement within five calendar days of the notice of protest that the party shall submit the dispute to non binding mediation which shall be concluded within ten calendar days of the notice of the protest.” Council Member Horton asked who the non binding mediation is and to explain that procedure a little better. Attorney Tedder stated that the way they envisioned in discussing this with Nick Nicholson; who is Haynesworth, Sinkler & Boyd’s contract specialist; is under the civil rules of procedure for this state, we have certified mediators that go

through training. The mediation that we would look at is consensual mediation that the parties would have to agree on the mediator. It would be a consensual selection of the mediator or mediators.

**PUBLIC COMMENT**-Mr. David Page from Core Communities stated that he understands about the critical services and so on after going through three hurricanes stated that all he can say is everything that's in there applies. Council Member Horton made a motion to accept this ordinance being mindful the comments and possible changes to be made before the second reading; his motion received a proper second from Council Member Jones and passed unanimously.

## **VII. COMMITTEE REPORTS**

**Public Works**-Mayor Pro Tem Willis stated they do not have a report; they will meet again in two weeks, they are proceeding with last week's report.

**Recreation**-Council Member Jones stated that baseball registration had 46 children registered. Most of the returning players signed up after the cut off date. She requested for everyone to please sign up as soon as possible. They are still working to play with Ridgeland so that we will not just play locally but with other teams. They will be participating in the pitch, hit, and run contest which are a sponsored league contest. The softball fundraiser for the young girl with the debilitating disease from Bluffton raised \$2200.00. Red Dam Baptist Church wants to use our field for a softball tournament to raise money for Relay For Life which is April 28<sup>th</sup> and 29<sup>th</sup>.

Mayor Cannon stated that on February 25<sup>th</sup> there will be a motorcycle ride to benefit Cpl Mark Jones. At 9:00 am, there will be a dedication service for him also.

## **VIII. ADMINISTRATOR'S REPORT**

ACA Griffin stated that Brana Snowden has been named the new Planning Director since he is now the Assistant City Administrator. ACA Griffin stated that he has a few items to go over that Administrator Haynes left for him. The submittal process has been completed to the Department of Commerce for the rural infrastructure funds grant. This will help continue with the

streetscape project. All budget requests have been received from the department heads. Workshop dates will follow towards the end of March. He also stated that Treasurer Henderson's title has been changed to Finance Director. February 21-23 is the MASC Hometown Legislative day. Mayor Cannon stated some of the laws coming up are bad for municipalities and now is the time to be up there interacting.

**IX. ADJOURNMENT**

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