

CITY OF HARDEEVILLE  
REGULAR CITY COUNCIL MEETING  
AND PUBLIC HEARINGS  
MINUTES  
NOVEMBER 20, 2008  
5:00 PM

Present: Mayor Bronco Bostick, Mayor Pro Tem Roy Powell, Council Members A. Brooks Willis, Michael Foskey and Bill Horton, City Manager Kevin Griffin, Assistant City Manager Jeff Slocum, City Attorney David Tedder, Planning Director Brana Snowden, Parks and Recreation Director Joe Gailey, Permitting and Licensing Director Jaime Vega, Economic Development Director Ted Felder, Finance Director Dennis Averkin, Assistant Chief Steve Murphy, Fire Chief Dan Morgan, City Clerk Lori Pomarico and Public Information Director Jason Rogers.

I. CALL TO ORDER

Mayor Bronco Bostick called the meeting to order at 5:10 p.m.

II. INVOCATION & PLEDGE OF ALLEGIANCE

Council Member Brooks Willis gave the invocation

III. PUBLIC PRESENTATIONS/COMMENTS (2 MINUTE TIME LIMIT)

Mr. Dan Gurley of Growth Options for the 21<sup>st</sup> Century, a public policy non-profit based in Washington D.C. that focuses primarily around the country on supporting legislation, public private partnerships, and things of that nature that would help expand and enhance freight rail capacity, made a presentation regarding railroad access for Jasper Ocean Terminal. Mr. Gurley distributed a folder of information to Council for their review. Mr. Gurley stated that rail freight has doubled since 1980 and it is projected that there will be at least a 70% increase in freight volume over the next 20 years. As freight patterns shift, with large ocean going vessels docking at East Coast ports, the traffic is going to begin to flow east to west rather than west to east as it does now, and it is vitally important that the rail system be able to handle that change in flow of commerce. Mr. Gurley stated that his reason for bringing this to the attention of the Council is first to let everyone know that it is out there, and to offer himself and the public policy organization as a resource as it relates to the development of rail infrastructure and the ultimate support factor that that would play for the Jasper Ocean Terminal. Mr. Gurley added that ultimately for Hardeeville to reap the benefit that would come with the development of the Jasper Ocean Terminal there has to be a healthy rail system and there has to be capacity to move those containers and piggyback trailers once they arrive. Mr. Gurley urged all to look through the distributed materials and communicate

this message to federal elected officials, Senator Graham, Senator DeMint, Congressmen Wilson and others in the state delegation in Washington.

Mr. John Harper, on behalf of the Marine Rescue Squad, thanked the Council for involving the Marine Rescue Squad in this year's festival. Mr. Harper also extended an invitation to the Council to attend a Squad meeting held on the second Monday of the month at Millstone Landing at 7:00 pm. Mr. Harper stated that if the Marine Rescue Squad can be of any assistance to the town in any way, please feel free to call on them.

Council Member Bill Horton stated that he believes that the MRS is an all volunteer organization and that they are always looking for volunteers to help out. Council Member Horton asked Mr. Harper if someone wished to volunteer should they come to one of the meetings. Mr. Harper responded that usually volunteers approach one of the members to sponsor them.

Mr. Sal Arzillo, reported that the Christmas Parade will take place on December 13<sup>th</sup> at 10:00 am, and J.W. Harper has been selected as the Grand Marshal. Mr. Arzillo stated that out of one thousand letters from mayors around the country sent to the Obama Transition Team, Mayor Bronco Bostick's letter was answered. Mr. Arzillo also presented a copy of the Greater Hardeeville Chamber of Commerce By-Laws that was requested at previous meetings to City Manager Kevin Griffin. Mr. Arzillo stated that they should have fifty bicycles for the Mayor's bicycle drive.

#### IV. OLD BUSINESS

A. PUBLIC HEARING OF A PLANNED DEVELOPMENT DISTRICT (PDD)  
AMENDMENT FOR PARCELS 029-43-05-006 & 029-43-02-001 OF THE  
**GATEWAY CORNERS** PLANNED DEVELOPMENT DISTRICT (PDD)  
LOCATED ALONG MOORER AVE. AND FRONTAGE RD (+/-22.17  
ACRES). **(2008-11-6A)**  
**PUBLIC COMMENT**

City Manager Kevin Griffin stated that this is a public hearing only on this item. Mr. Griffin deferred to Planning Director Brana Snowden. Ms. Snowden stated that as discussed at the last meeting, a petition had come through requesting that Council rezone this project. The petition was taken to Planning Commission for the first time, getting their thoughts on it and then Council voted yes to remand it back to staff and Planning Commission for recommendations. Based on that Planning Commission meeting, the petition and community input, Planning Commission recommended to change the allowed zoning uses on both parcels to a neighborhood commercial use which is defined in the planned development, as it was adopted, as downtown mixed uses and from the ordinance at that time that it was adopted in 2003. It allows for a wide breadth of small scale commercial uses as well as multifamily residential that seemed to meet the needs of the community. The property owners have been notified that the Planning Commission meeting to rehear this, after the first

reading with the recommendation to send it back to Planning Commission, will be on December 11, 2008 at 1:00 pm. Ms. Snowden stated that we are still having some difficulty notifying, and have received more letters back, but have contacted the attorneys and everyone that has contacted us on this project. We have sent them more notifications and will continue to do so for the Planning Commission and the public hearing for second reading.

Council Member Foskey asked if after letters were returned, were new letters sent out. Ms. Snowden responded that with Mr. Tedder's help, they looked at the Secretary of State's website for addresses and letters were sent out with notification of Planning Commission. Those notifications have been returned. Ms. Snowden added that we will keep attempting to notify the owners, and will notify the attorney of record that has contacted us, by email, verbally and in writing. Council Member Foskey thanked Ms. Snowden for all the hard work she has done on this.

Mayor Pro Tem Powell made a statement that if he was a homeowner, landowner, developer or potential developer, and was going to build in the City of Hardeeville, if this ordinance gets passed, he would build soon. Because if not, that means to any landowner or developer, if we don't want what you're building we're going to change it out from underneath your foot. Mayor Pro Tem Powell also stated to keep that in mind when you want to come to the City of Hardeeville and build.

Mayor Bostick called for public comment. Mr. Murphy Lemon, a commercial real estate broker representing Ann and Jeff Jefferson, son and daughter of the late Wade Jefferson, who currently own the property, stated that Wade Jefferson spent in excess of one hundred thousand dollars (\$100,000) getting the property zoned to a commercial PUD so that it could be developed for what the PUD covenants and guidelines have set forth. Mr. Lemon stated that the property is currently under contract pending with money at risk. If the property is rezoned, the buyer will go away. The property is currently zoned for a ten thousand (10,000) square foot building; about half is to be a liquor store to which there is opposition. According to the guidelines of what it is set out to be right now, everything has been followed. The buyer not only has money at risk, but the offer is currently an executed and ratified contract; the sellers will have to let him out of the contract if it is rezoned. The owners are 30 and 32 years of age, and this is their inheritance. Mr. Lemon respectfully asked that the Council take into consideration that in addition to what is going into fifty percent (50%) of the building the other fifty percent (50%) of the building will be businesses as well that will bring commerce to Hardeeville. Mr. Lemon stated that neither Ann and Jeff, nor counsel, Simon Fraser, was contacted prior to the first reading.

Mayor Bostick asked if the buyer would consider putting something other than a liquor store at this ten thousand (10,000) square foot building, and asked if Mr. Lemon would want a liquor store in his neighborhood. Mr. Lemon responded that there is a liquor store in his neighborhood at Palmetto Dunes on Hilton Head. Mr. Lemon added that the liquor store follows the guidelines of what the property is currently zoned for and it would clearly be a down zoning and could possibly cause Ann and Jeff to lose the property as well.

Council Member Foskey stated that there are property owners in this area that inherited property and they have children that play on those streets. Council Member Foskey added that the last liquor store robbery involved gunfire; several vehicles were hit and he feels that because of the business this would happen here. Mr. Lemon responded that he understood his feelings, and although he has not seen the plans for the building, he believes that the architectural plans would be an asset to what is currently there and would benefit the neighborhood. Mr. Lemon stated that on behalf of Ann and Jeff Jefferson and himself, they are opposing the rezoning.

Mayor Pro Tem Powell asked if the prospective buyer has been through the liquor license process and have they been approved. Mr. Lemon responded that the buyer is not the person that has the liquor license, but he has a lessee that would be running the liquor store and they have the liquor license which has taken them approximately four months to get.

Ms. Grace Cooler, a resident of Hardeeville since 1957, stated that she owns seven and one-half (7 ½) lots in this area. It is a nice neighborhood, but there is a lot of traffic moving through and there are children playing in this area. Ms. Cooler stated that she feels the area should be zoned as it has always been and is thoroughly against this rezoning.

Mr. Fred Baggett commented on the approval of the liquor license in the last four months and indicated that it is his understanding that the applicant has to advertise before a license is approved. Council Member Foskey responded that the applicant had advertised, and although there was opposition, the license was approved. Mr. Baggett stated that he was a victim of a liquor store robbery and said that it is not a good idea to have a liquor store in a residential area.

**B. SECOND READING OF AN ORDINANCE PROVIDING FOR THE ANNEXATION FOR THE PARCEL LOCATED AT SHORTCUT ROAD AND HIGHWAY 170 TMP 080-00-03-065 (+/-39.46 ACRES) JASPER STATION LLC (2008-11-6B)  
PUBLIC COMMENT**

City Manager Kevin Griffin deferred to Planning Director Brana Snowden. Ms. Snowden stated that this is the request for annexation of the property located at Shortcut Road and Highway 170. There have been no changes since first reading.

**There was no public comment. A motion was made by Council Member Horton to accept Ordinance No. 2008-11-6B at second reading. The motion received a proper second by Council Member Foskey and carried unanimously.**

**C. SECOND READING OF A ZONING AMENDMENT FOR TMS 080-00-03-065 (PARCEL C) LOCATED ALONG S.C. HIGHWAY 170 AND SHORTCUT ROAD TO BE REZONED FROM RURAL PRESERVATION (RP) IN JASPER**

COUNTY TO GENERAL COMMERCIAL (GC) IN THE CITY OF  
HARDEEVILLE JASPER STATION LLC (+/- 39.46 ACRES) (2008-11-6C)  
PUBLIC COMMENT

City Manager Kevin Griffin deferred to Planning Director Brana Snowden. Ms. Snowden stated they are requesting General Commercial zoning which is consistent with the zoning in that area. There have been no changes since first reading. Planning Commission and staff recommend approval.

**There was no public comment. A motion was made by Council Member Willis to accept Ordinance No. 2008-11-6C at second reading. The motion received a proper second by Mayor Pro Tem Powell and carried unanimously.**

V. PRESENTATION & APPROVAL OF MINUTES FROM THE NOVEMBER 6,  
2008 REGULAR CITY COUNCIL MEETING

**A motion was made by Council Member Foskey to approve the November 6, 2008 Regular City Council Meeting Minutes. The motion received a proper second by Council Member Horton and carried unanimously.**

At this time, Mayor Bostick asked for a motion to add an item to the agenda.

**Council Member Horton made a motion to add an item on the agenda concerning hunting within the City limits. The motion received a proper second by Council Member Foskey and carried unanimously.**

VI. NEW BUSINESS

A. LETTER OF INTENT TO CREATE A MUNICIPAL IMPROVEMENT  
DISTRICT FOR THE OKATIE CROSSINGS PROJECT WITH SEMBLER L-A  
OKATIE JOINT VENTURE, LLC,  
PUBLIC COMMENT

City Manager Kevin Griffin stated that this is a letter of intent to create a Municipal Improvement District (MID) as part of the overall planning and infrastructure planning for the Sembler Project which is the Okatie Crossings project located at Highway 278 and Highway 170. Mr. Griffin deferred to City Attorney David Tedder for the details. Attorney Tedder stated that this is a letter of intent only; it is not a binding letter. It is an expression of our intent to work with Sembler in creating a district provided that, in accordance with the development agreement, it meets all of the requirements. The letter of intent indicates that there are various improvements being funded through the MID and the developer. It is a large project, the total amount of cost to construct is over one hundred twenty-five million dollars (\$125,000,000) and Sembler has asked the City to participate in non-recourse MID bonds for approximately seventeen million dollars (\$17,000,000) at this particular point in

time. Upon approval of this letter of intent, we will embark on a schedule where we will have to, at our December meeting, adopt a resolution that will set a public hearing date out in the future, a procedure that will take several months to get through completely. Attorney Tedder stated that he has reviewed this request as well as bond counsel, Howell and Linkous, and they are comfortable with the terms, and it is not exposing the City to any financial liability. Sembler has agreed to pay the professional cost of putting the assessments in place and working with the letter of intent.

Council Member Foskey asked Attorney Tedder if this in any way would move up the timeline for Sembler to close on their property. Attorney Tedder stated that they have already closed on portions of the property and they have a schedule of takedowns for various properties. In this economic climate these MID bonds, even though they might be issued, the City's intent to issue and establish a district acts as a credit enhancement to assist them in using institutional financing to move forward so it does have a positive effect.

**A motion was made by Council Member Horton to accept this resolution authorizing the Mayor to sign this letter of intent. The motion received a proper second by Council Member Willis and carried unanimously.**

**B. FIRST READING OF AN ORDINANCE TO ALLOW TRADITIONAL LAND USES SUCH AS HUNTING ON RURAL PROPERTIES WITHIN THE CITY (2008-11-20A)**

**PUBLIC COMMENT**

City Manager Kevin Griffin stated that Mr. Duane Swygert, property manager for the Morgan Tract, contacted the Mayor regarding this issue. The City has annexed a lot of large tracts of land over the last three to four years, and has gone from five square miles to well over fifty square miles, most of those are within development agreements that are planning to develop anywhere from ten to twenty-five years. Mr. Griffin stated that some of them have addressed having traditional land uses such as agricultural forestry as well as hunting on these properties. Mr. Swygert wanted to be able to have that ability around Christmas; the Morgan Tract is not on pace for any development anytime in the really near future and Mr. Swygert has asked that the Council consider adding hunting back as a land use in those areas where it is safe in these large agricultural and forestry tracts within the City. Mr. Griffin stated that this is the first reading of the ordinance and if there are any changes needed they can be done prior to second reading.

Mayor Bostick asked how long this emergency ordinance lasts. City Attorney Tedder stated that he researched state statutes regarding emergency ordinances. Emergency ordinances are directed towards situations affecting life, health, safety of property or people; therefore, we would have to make a specific finding that there was a health safety emergency in order to do this as an emergency ordinance. There can be second reading on this ordinance at the meeting on December 4<sup>th</sup>, 2008.

Council Member Willis asked what distinguishes a safe area. City Manager Griffin stated that the ordinance as it reads now is dictated by South Carolina Department of Natural Resources' rules for discharging firearms while hunting within a certain distance from dwellings. Any tracts would have to be at least twenty acres in size or greater; and zoned forest agriculture or conservation preservation or classified as that with the assessor.

**There was no public comment. A motion was made by Council Member Horton to accept Ordinance No. 2008-11-20A at first reading. The motion received a proper second by Council Member Foskey and carried unanimously.**

At this time Mayor Bostick reported that he and City Manager Griffin met today with County Administrator Andy Fulghum and County Council Member Leroy Blackshear regarding the old Senior Citizen's Center property. The City of Hardeeville is trying to recapture the property and one of the things the County Administrator came up with is allowing the usage of space at the Hargray Building as a satellite station for paying light bills, taxes, etc. as a swap. The long term focus is to have that as the new commercial district for the City as well as have a joint City County service center and office. City Manager Griffin added that there was discussion regarding recreation and fire issues within the joint fire contract and some things that the County is willing to do to help continue to enhance programs in Hardeeville.

## VII. MANAGER'S REPORT

**City Manager Kevin Griffin** stated that on December 13<sup>th</sup> there will be the Christmas Parade, and at 5:00 pm the Christmas Tree Lighting. Mr. Griffin invited anyone that wants to participate in the Mayor's Christmas Bike Program to contact the Hardeeville Chamber of Commerce or City Hall.

City Manager Griffin stated that tonight at 6:00 pm is the Jasper County Chamber "Big Thursday" Oyster Roast.

City Manager Griffin announced that Mr. Ted Felder had made a decision to remain with the City after considering a move to Congressman Wilson's office.

Council Member Horton recognized Mr. Vain Brown, director of the youth football program. Mr. Brown presented Mayor Bostick with a plaque in appreciation of his support of the Patriots.

Council Member Horton stated that after the passing of Dr. Robert Barrett, and after a long hard search by the Barrett family, a new chiropractor has opened business in town. Council Member Horton recognized Dr. David Mills. Dr. Mills stated that it is his distinct honor to take over Dr. Robert Barrett's practice and he looks forward to helping the community.

## VIII. ADJOURNMENT

A motion was made by Council Member Horton and seconded by Mayor Pro Tem Powell to adjourn the meeting. The motion passed unanimously. The meeting adjourned at 6:00 p.m.

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Lori Pomarico, City Clerk

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Date

SEAL