

CITY OF HARDEEVILLE  
REGULAR CITY COUNCIL MEETING  
AND PUBLIC HEARINGS  
MINUTES  
FEBRUARY 5, 2009  
6:00 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, Finance Director Dennis Averkin, Police Chief Richard Nagy, Assistant Chief Steve Murphy, Fire Chief Dan Morgan, Economic Development Director Ted Felder and City Clerk Lori Pomarico.

I. CALL TO ORDER

Mayor Bronco Bostick called the meeting to order at 6:03 p.m.

II. INVOCATION & PLEDGE OF ALLEGIANCE

Council Member Brooks Willis gave the invocation

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

Mr. Bill Beltz of Newtech, Inc. distributed a copy of the results from the bid for renovations to the police and municipal court facilities to the Mayor and Council. Mr. Beltz stated that he was under the assumption that he was the lowest responsive bidder on that job and is confused about the way this process worked and how eventually another contractor got that job. The results stated all the different things that a contractor had to have to be qualified for a bid including a bond, insurance, pre-qualification statement and reference. Mr. Beltz stated that he did all of that and then gave a price. Mr. Beltz stated he has not found the name of C.S. Thomas, the contractor the City is proposing to award the contract to, as a registered contractor in the State of South Carolina. Mr. Beltz added that at the bid opening Dennis Averkin read out loud if C.S. Thomas had a bond, if he had insurance, if he was prequalified, and if he had references to which the answer was no. The contractor then gave his price.

Mr. Beltz stated that he was told that he was the lowest responsive bidder and then he worked with the police chief and other people involved with this so that he could help divide this job into two phases because there was not enough money in the job to do at the price they had proposed. They came down in price seventy-five thousand dollars (\$75,000). Mr. Beltz stated that he is very confused; they followed all the procedures, procurement things that Hardeeville told him to follow and also received an email from Dennis saying that they are the most responsive and to talk to him and give him another price. Mr. Beltz stated that he has discovered that C.S. Thomas has done work with Hardeeville before and that they were allowed to do this in this way because somebody knew him. Mr. Beltz stated that the State of

South Carolina requires a contractor's license and a bond for anything that is over one hundred thousand dollars (\$100,000).

Mayor Bronco Bostick responded that he has investigated this and has spoken with the City Manager Kevin Griffin, the Financial Director Dennis Averkin and the City Attorney David Tedder, and it was determined that Mr. Thomas was pre-qualified. Mayor Bostick offered for Mr. Beltz to meet with the City Manager to discuss this matter. Mr. Beltz stated that at the bid opening Mr. Thomas responded no to the question of pre-qualification.

City Manager Kevin Griffin stated that they have gone through a rather lengthy process with this bid. The City's procurement ordinance allows the City to go back and rebid if needed.

Finance Director Dennis Averkin referred to the procurement ordinance dated March 2007 stating that if an award is to be made the contract shall be awarded by written notice to the lowest responsible/responsive bidder. Mr. Averkin stated that the City has a fiduciary and legal responsibility to award the bid to the lowest bidder. Secondly, Mr. Averkin stated that the City has the right to determine not to award or to determine to resolicit bids based upon modified terms and conditions, which means we could look at a specific bid and try to solicit more materials or information to allow us to make a proper decision. Lastly, Mr. Averkin stated that the actual request clearly specifies that the bidder should at least have the ability to provide the materials.

Mayor Bostick asked City Manger Griffin if this bid was done fairly. Mr. Griffin responded that it meets the terms of the procurement ordinance.

#### IV. OLD BUSINESS

- A. SECOND READING OF AN ORDINANCE OF THE CITY OF HARDEEVILLE, SOUTH CAROLINA, AUTHORIZING THE ESTABLISHMENT OF THE OKATIE CROSSINGS MUNICIPAL IMPROVEMENT DISTRICT; PROVIDING FOR THE FINANCING OF IMPROVEMENTS WITHIN THE OKATIE CROSSINGS MUNICIPAL IMPROVEMENT DISTRICT BY ASSESSMENTS, ISSUANCE OF BONDS, OR OTHER REVENUES AS HEREIN DESCRIBED; AND OTHER MATTERS RELATING THERETO. **(2009-1-8B)**  
**PUBLIC HEARING**

City Manager Kevin Griffin deferred to City Attorney David Tedder. Attorney Tedder stated that at the last regularly scheduled City Council meeting we had pubic hearing and first reading of this MID ordinance. This ordinance authorizes the issuance of a bond of not more than twenty-five million dollars (\$25,000,000) to cover public infrastructure improvements estimated to be approximately seventeen million four hundred thousand dollars (\$17,400,000). This bond is secured by the property; it is not secured by the full faith and credit of the City. The developer/land owner is responsible for all costs of placing the bonds

into being. Attorney Tedder stated that he has reviewed the ordinance with Joe Lucas of McGuire Woods, and finds it to be in proper form to meet the requirements of the MID ordinance. There will be additional steps if the Council sees fit to pass this at second reading. Attorney Tedder added that after the ordinance is adopted it needs to be publicized in the paper which the attorneys for the developer will do; the ordinance has a delayed effective date which is seven days after the publication.

**There was no public comment. A motion was made by Council Member Horton to accept Ordinance No. 2009-1-8B at second reading. The motion received a proper second by Council Member Willis and carried unanimously.**

V. PRESENTATION & APPROVAL OF MINUTES FROM THE JANUARY 8, 2009  
REGULAR CITY COUNCIL MEETING

**A motion was made by Council Member Foskey to approve the January 8, 2009 Regular City Council Meeting Minutes. The motion received a proper second by Council Member Horton and carried unanimously.**

VI. NEW BUSINESS

A. CONSULTING AGREEMENT BETWEEN THE CITY OF HARDEEVILLE  
AND LOCAL GOVERNMENT SERVICES, LLC  
**PUBLIC HEARING**

City Manager Kevin Griffin stated that at the workshops in late September/early October, the City Council tasked the staff with looking through and reviewing our current franchise agreements with the City. In one of the agreements, discrepancies were found in that the terms of the franchise agreement were not being applied as they were outlined. The Municipal Association was contacted. They have an agreement with Local Government Services, LLC as a firm whose specialty is auditing these types of agreements. Regarding our cable franchise agreement with Hargray, there is a section which allows us to pass through any costs of auditing back to the franchisee and we have chosen to do that. Mr. Griffin stated that the contract before Council tonight is for \$5,000 to Local Government Services, LLC, to audit the terms of that agreement. The scope of work includes reviewing Hargray's payments to the City over the last three years, 2006 through 2008, to determine compliance with the City's cable television ordinance and conducting a jurisdictional coding test to determine if Hargray has correctly coded all of the City's streets in their customer billing records. Mr. Griffin asked for a positive or an affirmative vote on moving forward with this consulting arrangement.

Council Member Bill Horton asked if the \$5,000 would eventually be paid by Hargray. City Manager Griffin responded that per the terms of the franchise agreement, that cost is passed on to the franchisee, and added that both the Town of Bluffton and the Town of Hilton Head have gone through this process and found some significant changes that needed to be made.

Mayor Bostick asked how far back this discrepancy goes. City Manager Griffin stated that the terms of this contract would be 2006 to 2008, but, if desired, we could ask them to go back further.

**There was no public comment. A motion was made by Mayor Pro Tem Powell to approve the agreement between the City of Hardeeville and Local Government Services, LLC. The motion received a proper second by Council Member Foskey and carried unanimously.**

B. CONTRACT AWARD TO C. S. THOMAS CONSTRUCTION GENERAL CONTRACTOR FOR LOW BID OF \$107,898.00 FOR THE UPFIT OF HARGRAY BUILDING #2 FOR POLICE AND MUNICIPAL COURT FACILITIES  
**PUBLIC HEARING**

City Manager Kevin Griffin stated that on November 28, 2008, we had a list of responsive bidders. A bid was received from C.S. Thomas Construction, LLC on that date and we have since gone through the process as our procurement process allows. We have looked at some items that were originally on the bid such as Kevlar and bulletproof glass that are better bid on their own rather than through the contractor since it is not in the normal scope of work that is done along with some other security measures that we will have to look at. City Manager Griffin requested that the Council approve the bid of one hundred seven thousand eight hundred ninety-eight dollars (\$107,898) to move forward with the improvements to Hargray Building #2 for police and municipal court facilities.

Council Member Bill Horton stated that this has been a long and arduous process. Council has been kept in the loop during the entire process. This item was discussed extensively during the workshops and Council was brought up to date on all the qualifications of the contractors. It is his opinion that this contractor, according to all the information that has been presented to the Council by staff, is very well qualified to perform this work and meets all the qualifications in our procurement ordinance.

Council Member Mike Foskey wanted to be sure that basically the concerns of Mr. Beltz were that the request for information from this contractor was not in the sealed bid. However, the City did have it on file, the contractor was qualified, and our ordinance allows us to go back and request that information. City Manager Griffin responded that this was correct, and that in the time frame that the bids were open, we did not have time to fully review them, but the ordinance gives us an amount of time to review the bids and go back and verify what needs to be verified.

Council Member Brooks Willis asked City Attorney David Tedder what takes precedence, a city ordinance, state law or federal law. Attorney Tedder responded that in this case, state law says that we as a City may adopt a procurement code. The City did, and two years ago revised it to provide a more modern procurement code to better protect the City's treasury.

The City is in compliance with state law and our city ordinances. Attorney Tedder added that there is an appeal procedure in our ordinance. The appeal procedure is long passed on this; within ten days of the facts coming to the knowledge of the appealing bidder, they must file in accordance with the ordinance and that did not occur. There is an administrative remedy to resolve these things and it was not followed to his knowledge. They waited to come to Council tonight, well beyond the dates of the bid opening.

Mayor Pro Tem Roy Powell asked for an explanation of what is being done at the Hargray Building. City Manager Griffin responded that during the summer, the City purchased the facilities vacated by Hargray Communications. The first building that we were able to upfit, which cost substantially less than this, was the Planning and Development Building which handles planning, development, business license, building permit and so forth. As part of our bond closure, we had an amount of proceeds that was to go towards upfitting the lower building into a new police and municipal court facility. This building will provide for the courtroom facilities, offices, investigation rooms, evidence rooms, and those types of things. The building is in very good shape and should supply the City for a number of years.

**There was no public comment. A motion was made by Council Member Horton to award this contract to C.S. Thomas Construction. The motion received a proper second by Mayor Pro Tem Powell and carried unanimously.**

C. CONSULTING AGREEMENT BETWEEN THE CITY OF HARDEEVILLE  
AND KINGHORN, HILBERT & ASSOCIATES, LLC  
**PUBLIC HEARING**

City Manager Kevin Griffin stated that as part of our work sessions, Council has made it a priority for the staff to do the best they can to obtain grant assistance both on the federal and state level as well as federal appropriations. It is getting much more competitive in today's market as dollars are getting scarcer. We also have the new federal stimulus package coming up that should be approved within the month and there will be monies available for state and local governments for things such as fire, EMS, public safety, transportation, police and water/sewer requests. Mr. Griffin stated that it was determined that we needed to go outside for help to do this grant writing for these services and be able to obtain some of these grants. The agreement that is before you is for seventeen (17) months from February 2009 through July 1, 2010 which would take us through two federal and state legislative sessions. Immediately, we will have them working primarily on the stimulus package and as we go into the spring and summer we will have them assist us in grant writing for any federal and/or state grant programs.

City Manager Griffin stated with regard to the Exit 3 and river port project related to the Jasper Port Terminal; that particular developer has offered to assist us with any funding necessary related to the consulting arrangement or grant writing for Exit 3 which will most likely be fifty percent (50%) of that payment. The City will not have to bear the full burden

of that fee. Mayor Bostick asked what the cost of this agreement would be. Mr. Griffin responded that the cost would be \$3,000 per month.

Council Member Horton stated that this, as well as any other contracts that have been approved lately, in particular this one, was an item not budgeted for, but because the staff has been doing the job they have been doing, they have been able to find the monies in the budget without having to go back and amend or adjust it to increase the level of income that we are bringing and make these things work. Mr. Horton wanted to point out to the citizens the tight job that the City Manager is doing and what all of the people that work for the City are doing to help save money.

**There was no public comment. A motion was made by Council Member Willis to approve the consulting agreement between the City of Hardeeville and Kinghorn, Hilbert and Associates, LLC. The motion received a proper second by Council Member Horton and carried unanimously.**

## VII. MANAGER'S REPORT

**City Manager Kevin Griffin** recognized Economic Development Director Ted Felder to give a report on items currently being worked on. Mr. Felder reported on the State Infrastructure Bank application for Exit 3 and related projects. Over the last few months, we have been going through the process to get an application ready including numerous meetings with the appropriate officials from Columbia and locally, and we are entering the later stages of getting it together. We feel very good about the project and how we are presenting it and where it's going to stand at the end of the day.

**Economic Development Director Felder** reported on the federal economic stimulus package being considered in Washington. All indications point to dramatic changes being made by the Senate to the House version of the bill, and then the Senate creating their own completely new version. If that happens there will be two very different versions that enter a conference committee and compromises would have to be made by both sides before a new final version would then be approved by both chambers and then signed by the President. Regardless of what the final bill looks like, the City has done an outstanding job in working with the county and Beaufort Jasper Water and Sewer Authority and the Lowcountry Economic Network to put a package of projects together that are ready for whatever it looks like. Mr. Felder stated that in his opinion no other municipality, county, state or agency has a better package of projects ready to implement and get folks to work and create economic development than we do. Mr. Felder stated that he believes that message has been heard; we have met with all the federal delegation members in Washington on this as well as all congressmen for the state.

Economic Development Director Felder reported on the Jasper Ocean Terminal. Mr. Felder stated that the Savannah River Maritime Commission held a meeting this week in Columbia that he attended with Mayor Bostick, Erinn McGuire from Hardeeville Today, Dean Moss

from Beaufort Jasper Water and Sewer Authority, and Marty Sauls who is our local Jasper County representative. Presentations were made by the Savannah District of the Army Corps of Engineers and the Georgia Ports Authority. Both spoke from the premise that it is going to take until 2024 for the new Jasper Ocean Terminal to be completed and opened. Senator Tom Davis was not happy with this and let the commission know that it was not going to be acceptable to either of the governors. Dr. George Hood, Chairman of Jasper County Council, echoed the senator's feelings and Mayor Bostick did a great job of pointing out to the commission and to the folks that had spoken that Hardeeville right now is poised to capture port related business regardless of whatever date the new terminal is complete. Mr. Felder stated that all of the groups there whatever their agendas were, fully recognized that the Jasper Port is going to happen. Hardeeville is going to do its part in the short term to provide an economic bridge from today until the new bi-state terminal is open by turning the current terminal in Garden City into a bi-state operation as well.

On a personal note, Mr. Felder stated that his father, John Felder, was invited by the Greater Hardeeville Chamber of Commerce to speak to them over the holidays. John Felder asked that it be related to Council how much he enjoyed himself and that he wanted Council to know how much he continually talks about Hardeeville and all that we have going on when he is lobbying at the state house.

Mayor Pro Tem Roy Powell commented that the public doesn't know everything that goes on behind the scenes; the emails he constantly receives shows how hard Ted, Kevin and the rest of the staff work, and over the last forty-five (45) days or so, Mayor Bronco Bostick has had to see a lot of people on behalf of the City.

**City Manager Kevin Griffin** reported that the Jasper County Chamber of Commerce held the State of the County Breakfast at Palmetto Coop; Mayor Gary Hodges, Mayor Bronco Bostick, County Council Chairman Dr. Hood and Chamber President Marty Sauls all spoke at the event. Each one brought a very good message as to this area as well as the nation is on hard times right now but are all working hard to do our part to move passed that.

City Manager Griffin reported that on Monday night Dr. Curtis Brantley had a meeting on Legislative Issues for 2009. A good crowd came out for that and there was some very good input, as well as good information from Dr. Brantley.

City Manager Griffin reported that he expects Senator Tom Davis and Senator Pinckney to hold a meeting on Monday at the New River Campus building regarding the School Development Impact Fee. There will be additional information on our website and Mr. Griffin encouraged everyone to come out and get all information they can on this interesting piece of legislation.

City Manager Griffin reported that the opening day for the USC-Beaufort Sand Sharks baseball team was this past Saturday. There was an outstanding attendance of over 750 people at the doubleheader. Council members and Mr. Griffin cooked and hosted a dinner

for the players and their families afterwards. Mr. Griffin thanked Mayor Pro Tem Powell and Council Member Bill Horton for their hard work. Mr. Griffin added that there is a link to USCB's schedule on our website or you can go to USCB's website.

City Manager Griffin reported that the Hardeeville Hurricanes basketball team clinched their region last night.

City Manager Griffin reported that Job Shadow Day with Hardeeville High School will be February 12<sup>th</sup> and 13<sup>th</sup>. There will be a number of students shadowing at the City and Mr. Griffin encouraged all other businesses in the community if you have not already done so to contact Hardeeville High School, Dr. Sanford or the City to help you get in touch with the right people. Call Cynthia Robino in Hardeeville at 843-368-6601 for more information.

City Manager Griffin reported that on March 7<sup>th</sup> there will be a Competition Skeet Shoot and Family Fun Day for the Jasper County Board for Disabilities and Special Needs. For more information call 843-726-4499. Entry fee on the shoot is \$100 per shooter; admission tickets are \$15 for adults, \$10 for children. There will be a barbeque and a number of other games and activities for everyone.

City Manager Griffin reported that the City is working with folks throughout the county to plan Jasper County State House Day, Tuesday, March 10, 2009. We will go to the statehouse and make our presence known and make sure they know everything they need to know about Jasper County. If you would like to get involved, call City Hall at 843-784-2231.

City Manager Griffin reported that the PowWow is coming back to Hardeeville on March 14<sup>th</sup> and 15<sup>th</sup>. Mr. Mike Benton will be here at the next meeting with more information.

City Manager Griffin deferred to Planning Director Brana Snowden for information on the Comprehensive Plan and upcoming Planning Commission. Ms. Snowden reported that there will be a short Planning Commission regular meeting on Thursday, February 12<sup>th</sup> at 6:00 pm to cover zoning issues and then move into an open house and short presentation on three elements of the comprehensive plan. Population, Cultural Resources and Economic Development are the elements that will be covered.

#### 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 6:50 p.m.

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Lori Pomarico, City Clerk

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Date

SEAL