

CITY OF HARDEEVILLE
REGULAR CITY COUNCIL MEETING
AND PUBLIC HEARINGS
MINUTES
JULY 16, 2009
6:00 PM

Present: Mayor Bronco Bostick, Mayor Pro Tem Roy Powell, Council Members A. Brooks Willis, Michael Foskey and Bill Horton, Assistant City Manager Jeff Slocum, City Attorney David Tedder, Planning Director Brana Snowden, Police Chief Richard Nagy, Assistant Police Chief Steve Murphy, Fire Chief Dan Morgan, Economic Development Director Ted Felder, City Clerk Lori Pomarico, Media Technician Juan Singleton and Media Technician Brandon Sligh.

I. CALL TO ORDER

Mayor Bronco Bostick called the meeting to order at 6:00 p.m.

II. INVOCATION & PLEDGE OF ALLEGIANCE

Council Member Brooks Willis gave the invocation

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

A. JASPER ANIMAL RESCUE MISSION (JARM) – MARY ELISE GABBARD,
PRESIDENT

Ms. Mary Elise Gabbard reported that her four year term as President of the Jasper Animal Rescue Mission has ended and Mr. Bob Morris, a resident of Moss Creek, is the new President of JARM. Mr. Morris had a prior engagement and was unable to attend this meeting. Ms. Gabbard also stated that the Executive Director, Ms. Kimberly Jones, a Hardeeville resident, was also unable to be present for this evening's meeting. Ms. Gabbard distributed a document to Council showing that JARM needed \$159,800 to cover operating costs. Ms. Gabbard stated that JARM agreed to seek funds in the amount of \$157,100 from the County which is what they had received the previous year. The County gave JARM \$145,000 leaving them \$14,800 short to operate at the same level. Ms. Gabbard has asked the Town of Ridgeland for one half of the shortage. The Town of Ridgeland was unable to provide funds to JARM but has discounted their water bill which will amount to \$3,000 over a year. Ms. Gabbard asked Council for funds in the amount of \$7,400. Ms. Gabbard explained how the Jasper Animal Rescue Mission was formed and its purpose.

Mayor Bostick stated that the Council did not budget any monies for this and it is a very hard time for the City. The Mayor asked Council Members for comment. Council Member Foskey stated that they appreciate the service of JARM but at this time they are helping out the low income housing project. JARM is only one of many County organizations that will be coming to

the City of Hardeeville for money because of shortfalls and they will have to see what they can do.

Council Member Horton stated that he is a firm believer of the animal shelters and what they do and reiterated that these are tough times; we have tightened our belts up several notches in the City of Hardeeville and still had to lay off employees this budget year. Ms. Gabbard responded that JARM is only asking for \$7,400 and any portion of that would be appreciated or any in-kind donations. Council Member Foskey suggested the possibility of an adoption program at City Hall. Mayor Bostick stated that he will speak with the City Manager and bring it back before the Council.

Mayor Pro Tem Powell commented that the Council has a contingency fund that each member can tap into, and with the permission of the rest of the Council, he would like to make a motion to give JARM \$1,250 from his portion of the contingency fund. Mayor Bostick suggested tabling that until he has the opportunity to speak with the City Manager.

City Attorney Tedder stated that to be in order a majority of Council would need to make a motion to add an agenda item. Mr. Tedder added that the Mayor has stated that he would like to meet with the City Manager to discuss what other alternatives there are. Mayor Pro Tem Powell stated that he will have it put on the next agenda.

Council Member Willis commented that in the future, as long as we are using these services, the City of Hardeeville should consider helping JARM.

City Attorney Tedder added that he would also like to make a personal donation.

Mr. Paul Bathe, Quality Signs and Graphics, commented that a few years ago, over several weeks, he and his wife trapped seven dogs with the City's trap. He has since purchased his own traps and they have personally trapped over fifteen cats and five dogs and have taken them to JARM. Quality Signs and Graphics has lettered JARM's vehicles, at cost, to try to give back to them and they have also donated other signs. Mr. Bathe stated that JARM has done a wonderful job and would like to see what we can do for them.

Council Member Horton suggested that Ms. Gabbard contact the City staff and they may be able to assist in putting PSAs on HTVN that could help them tremendously with their costs.

B. PRESENTATION OF SCHOLARSHIP AWARDS

Mayor Bronco Bostick stated that the Council decided several months ago to give an award to the valedictorian and salutatorian of the local high schools. Mayor Bostick presented awards in the amount of \$500 each to Hardeeville High School recipients Krystal Brown and Shante Bolden and Abundant Life Academy recipients Lindsey Nicole Gaymon and Debra Lindsey Wynn.

Council Member Horton commented that this goes to show the commitment this Council has made to one statement that he keeps making over and over again, "our youth is our future" and they will do what they can to foster that youth to make them productive citizens and help them in that way. Council Member Horton thanked them for the job that they have done and thanked the parents as well.

Mayor Pro Tem Powell stated that in addition to thanking the students and the schools, he wanted to thank the public for putting good people on the Council. The Council is trying to make the community better; and he thanked the community for trying to help their own.

At this time, Mayor Bostick asked, if there is no objection, to add Item C, 2009 National Night Out Proclamation, to the agenda. There being no objection, Mayor Bostick read the 2009 National Night Out Proclamation in its entirety. Mayor Bostick asked for a motion to accept this proclamation.

A motion was made by Council Member Horton to accept the 2009 National Night Out Proclamation as read. The motion received a proper second by Council Member Foskey and carried unanimously.

IV. OLD BUSINESS - NONE

V. PRESENTATION & APPROVAL OF MINUTES FROM THE JUNE 4, 2009
REGULAR CITY COUNCIL MEETING

A motion was made by Council Member Horton to approve the June 4, 2009 Regular City Council Meeting Minutes. The motion received a proper second by Council Member Foskey and carried unanimously.

VI. NEW BUSINESS

A. RECEIPT OF THE A-TAX COMMITTEE RECOMMENDATIONS AND
CONSIDERATION OF A RESOLUTION TO APPROPRIATE STATE
ACCOMMODATIONS TAX RECEIPTS TO THE LOWCOUNTRY TOURISM
COMMISSION PURSUANT TO SECTION 6-4-10 OF THE SC CODE OF
LAWS

PUBLIC HEARING

Assistant City Manager Slocum stated that this is the first recommendation by the Accommodations Tax Committee for approval of appropriation of funds in the amount of \$5,600 requested by the Lowcountry Tourism Commission for use to help with national magazine advertising, website promotion, printing and distribution of the visitors guide and the actual operation of the Lowcountry Visitors Center and Museum.

Council Member Horton commented that he wanted to take a moment to recognize the outstanding job that the recently reactivated A-Tax Committee for the City of Hardeeville is

doing. Council Member Horton stated that he understands that at the last meeting there were quality presentations put together, the Committee has been well apprised of the laws and are following them to the tee, and he would like to applaud the Committee and the staff.

There was no public comment. A motion was made by Council Member Foskey to approve the recommendation by the A-Tax Committee to appropriate State Accommodations Tax Receipts to the Lowcountry Tourism Commission. The motion received a proper second by Council Member Horton and carried unanimously.

B. RECEIPT OF THE A-TAX COMMITTEE RECOMMENDATIONS AND CONSIDERATION OF A RESOLUTION TO APPROPRIATE STATE ACCOMMODATIONS TAX RECEIPTS TO THE GREATER HARDEEVILLE CHAMBER OF COMMERCE PURSUANT TO SECTION 6-4-10 OF THE SC CODE OF LAWS
PUBLIC HEARING

Assistant City Manager Slocum stated that this is the second recommendation by the Accommodations Tax Committee for approval of appropriation of funds in the amount of \$18,814 requested by the Greater Hardeeville Chamber of Commerce to help with billboard rentals, billboard design and for labor and production of the Hardeeville Cost Conscious Discovery Guide.

Council Member Foskey asked if the labor for Quality Signs and Paggett Land Service is for the sign downtown. Mr. Paul Bathe, representative from the Greater Hardeeville Chamber of Commerce, responded that the labor is for the sign downtown.

Mayor Pro Tem Powell commented that he could not find a breakdown for the uses of the \$18,814, and added that approximately three months ago he believes that the Council awarded the Chamber \$7,500 to get them through the end of the year for sign rentals. Assistant City Manager Slocum responded that the \$7,500 was a partial award, the Chamber actually asked for \$36,000. Mayor Pro Tem Powell stated that he recalls Council Member Horton made sure that the partial award got through because it was already a commitment through the Chamber and asked Mr. Horton for verification. Council Member Horton stated that the conversation during that meeting and the information that was relayed to him by Mr. Arzillo, President of the Chamber of Commerce at that time, was how much monies it would take to keep the billboards paid for until he could go before the Accommodations Tax Committee again to try and procure more money. Council Member Horton added that is what the \$7,500 was for and this request was made at the next quarterly meeting of the A-Tax Committee.

There was no public comment. A motion was made by Council Member Horton to approve the recommendation by the A-Tax Committee to appropriate State Accommodations Tax Receipts to the Greater Hardeeville Chamber of Commerce. The motion received a proper second by Council Member Foskey. The motion passed 4-1 with voting as follows: Mayor

Bostick, In Favor; Council Member Willis, In Favor; Council Member Foskey, In Favor; Council Member Horton, In Favor; Mayor Pro Tem Powell, Opposed.

C. RECEIPT OF THE A-TAX COMMITTEE RECOMMENDATIONS AND CONSIDERATION OF A RESOLUTION TO APPROPRIATE STATE ACCOMMODATIONS TAX RECEIPTS TO THE JASPER COUNTY CHAMBER OF COMMERCE PURSUANT TO SECTION 6-4-10 OF THE SC CODE OF LAWS
PUBLIC HEARING

Assistant City Manager Slocum stated that this is the third recommendation by the Accommodations Tax Committee for approval of appropriation of funds in the amount of \$10,989 requested by the Jasper County Chamber of Commerce. These funds are to pay for radio ads that would last for a period of twelve months.

Council Member Foskey asked if there are any planned radio ads and can they be changed as the year goes on to promote events. Kendal Malphrus, representative from the Jasper County Chamber of Commerce, responded that the ads can be changed throughout the year and they have not made the ads yet. They will come up with some prototypes and bring them before Council for approval.

There was no public comment. A motion was made by Council Member Willis to approve the recommendation by the A-Tax Committee to appropriate State Accommodations Tax Receipts to the Jasper County Chamber of Commerce. The motion received a proper second by Council Member Horton and carried unanimously.

D. RECEIPT OF THE A-TAX COMMITTEE RECOMMENDATIONS AND CONSIDERATION OF A RESOLUTION TO APPROPRIATE STATE ACCOMMODATIONS TAX RECEIPTS TO THE HARDEEVILLE CATFISH FESTIVAL COMMITTEE PURSUANT TO SECTION 6-4-10 OF THE SC CODE OF LAWS
PUBLIC HEARING

Assistant City Manager Slocum stated that this is the fourth recommendation by the Accommodations Tax Committee for approval of appropriation of funds in the amount of \$15,000 requested by the Catfish Festival Committee. This is to partially fund the Catfish Festival that will be held September 18th and 19th; a two day festival that will promote overnight stays in Hardeeville and encourage visitors to spend money with local businesses.

Mayor Pro Tem Powell stated that the people of the town rather than the City will be handling the festival and asked if this is correct. Mr. Paul Bathe, representative of the Catfish Festival Committee, responded that the Marine Rescue Squadron and the Greater Hardeeville Chamber of Commerce are jointly hosting the Festival.

There was no public comment. A motion was made by Council Member Horton to approve the recommendation by the A-Tax Committee to appropriate State Accommodations Tax Receipts to the Hardeeville Catfish Festival Committee. The motion received a proper second by Council Member Willis and carried unanimously.

VII. MANAGER'S REPORT

Assistant City Manager Jeff Slocum introduced the City's newest employee, Ms. KaMeetra Frazer, Receptionist/Administrative Assistant who started on July 13th. Ms. Frazer thanked the Council for this opportunity and stated that it is an honor and a privilege to be a part of the City of Hardeeville.

Assistant City Manager Slocum deferred to Planning Director Brana Snowden for an update on the Comprehensive Plan. Ms. Snowden reported that the Comprehensive Plan is close to conclusion. Staff has received the Priority Investment Act Section from the consultants which talks about Capital Improvements. The goal is to get that and the Land Use section finalized and out at the first of the month for Planning Commission review and take to Planning Commission and then to Council as soon as possible for approval.

Assistant City Manager Slocum recognized Sgt. Jennings for an update on National Night Out being held on August 4th. Sgt. Jennings reported that the event will take place from 7:00 to 9:00 p.m. behind City Hall. National Night Out is a good way to get everyone out to meet their neighbors and get some neighborhood watches going. There will be a lot of different events going on; Target will be providing two children's bicycles for a raffle; Coca-Cola and Cheerwine will be donating some product; agencies including Department of Natural Resources, Marine Rescue Squadron and New Hope Learning Center will be around to help out.

Council Member Horton commented that people are quick to criticize but sometimes praise is hard to come by and added that he has had the pleasure of watching Sgt. Jennings work and do public presentations on numerous occasions and, very recently, they made a visit to the Senior Citizens Center in Hardeeville. Council Member Horton stated that just watching how Sgt. Jennings presents himself to the public whether it be an older group of people, younger kids, or teenagers, he changes his demeanor to match the crowd that he has and does a great job with it; he is a great steward for the City and Council Member Horton praised him for a job well done.

Assistant City Manager Slocum reported that the Fire Department is currently accepting applications for the Junior Firefighter Program. The program is open to anyone interested between the ages of 14 to 17, who have completed the eighth grade.

Assistant City Manager Slocum reported \$824 was raised for the Relay for Life event held on June 26th.

Assistant City Manager Slocum reported that the Fishing Rodeo and Fireworks & Fun were both held on June 27th. Each was a success with over 300 people coming out throughout the day.

Assistant City Manager Slocum reported there will be several upcoming meetings. The Friends of the Library will be meeting on July 27th at 6:30 p.m. in the Community Room and the Catfish Festival Committee will be meeting on July 22nd at 3:00 p.m. in the Community Room.

Assistant City Manager Slocum reported that the Jasper County Farmers Market will be having a Taste of Jasper on Saturday, July 25th at 6:00 p.m.; admission is \$20 and will benefit the Boys and Girls Clubs of Jasper County.

Economic Development Director Ted Felder reported that there has been progress with the Okatie Crossings Project, two neighboring counties have gotten involved with the process and it will be a joint effort between the three counties. This project is going to mean \$400M of investment and will create 2,000 permanent jobs.

Economic Development Director Ted Felder reported that the next Hardeeville Business Assistance Program Forum will be held on August 13, 2009. One of the topics planned to be addressed at that forum is the progress on what process the City plans to take on studying the options available for the downtown revitalization. Mr. Felder thanked the Hardeeville Chamber of Commerce, Andy Richard, the people from USC-Beaufort and TCL for being a part of the program.

Economic Development Director Ted Felder reported that the Savannah River Maritime Commission recently held a meeting in Ridgeland. Mr. Felder thanked Mayor Bostick and Council Member Willis for joining City Manager Griffin and him at the Jasper County new courthouse building for that meeting. The main topic discussed was the progress that has been made by Moffett and Nichols, the consultants that are working for the Joint Project Office, on the formation of the Jasper Ocean Terminal. They plan to announce their findings on the environmental side, the permitting side and the timetable very soon. There also was some discussion on the upcoming report that is to be released about the Georgia dredging permit issue that is going on with the Garden City Terminal; no official action was taken other than the Commission plans to study the results of that very closely before making any statements about that permit. Mr. Felder stated that they are encouraged by the fact that the conversation about the Jasper Ocean Terminal has increased dramatically over the last six months, progress is being made and that critical mass of pressure behind it is building very rapidly.

Economic Development Director Ted Felder reported that as the representative of Jasper County for the Workforce Investment Board, he attended his first full meeting, which focused mostly on the areas for the next year's budget that the Board would like to approve and place its energies. Those two topics would be logistics, specifically port related logistics and also health care and expanding areas of adult education on that subject.

Economic Development Director Ted Felder reported that the State Infrastructure Bank Application that has been put together by Jasper County and Hardeeville will be officially considered by that Board on Thursday, August 20th. Mr. Felder thanked the Mayor, all the members of Council, the Jasper County Council Members, the County Administrator, Kevin

Griffin, Jeff Slocum and anyone who has taken time during this process to attend a meeting to help out. Mr. Felder stated that it is a tremendous opportunity that our project is going to be considered by the full Board.

Mr. Felder stated that Exit 3 and the related improvements around that have been officially put on the South Carolina Department of Transportation STIP (State Transportation Improvement Project) list. That officially declares that this project is eligible for Federal funds and it is officially declared a state priority.

Mr. Felder recognized Kendall Malphrus of the Jasper County Chamber of Commerce, Paul Bathe of the Hardeeville Chamber of Commerce, Erinn McGuire from Hardeeville Today, Joe Croley from Hilton Head Island Association of Realtors and Bluffton Today, and Julie Bowman Principal of Abundant Life Academy.

Assistant City Manager Slocum stated that the SIB application that will be presented on August 20th conflicts with the scheduled City Council meeting that night. Mr. Slocum asked the Council if they would like to consider moving that meeting to a different time and date.

Mayor Pro Tem Powell stated, on a personal note, that his father-in-law recently passed away and the Hardeeville Fire Department went to his house. Mr. Powell wanted to let the citizens of Hardeeville know that they have three of the most professional people he has ever had to deal with and publicly thanked Captain Marshall, Elliott DeBiase and Elizabeth Kelley for a fine job.

Mayor Pro Tem Powell stated that in the last public workshop the Mayor dictated without consulting the Council or the staff that they will be moving to one Council meeting on his authority. Mayor Pro Tem Powell stated that he researched everything that he could and asked City Attorney David Tedder to define or show him the ordinance where the Mayor has the right to do that without the majority of the Council or consulting the staff. Attorney Tedder responded that an official meeting agenda/schedule was adopted in January, and he believes meetings were reduced to one in July. Mayor Pro Tem Powell clarified that in June, July and August there would only be one meeting due to conflicts in schedules and every other month of this year there were supposed to be two, however, the Mayor has dictated that they would move to one meeting in September, October, November and December without discussion and that he said it was his right as Mayor to do that. City Attorney Tedder stated that the process for setting meetings is included in our ordinance. He believes in Chapter 2, there is a provision that allows for meetings to be canceled, but state statute says that they have to have meetings once a month.

Mayor Pro Tem Powell stated that it is his understanding that the Mayor or majority of Council can call for special meetings, but he cannot find where the Mayor can dictate the regular meetings that they set in January. Mr. Powell asked that Mr. Tedder please get back to him with his findings before the next Council meeting.

Mayor Bostick stated that it is his understanding that the Mayor sets the agenda and any meetings and he feels that it is feasible to have only one meeting to eliminate some questions and

make sure the Council gets an understanding before they come into Council meetings. Mayor Bostick stated that he feels they need more workshops and fewer meetings. Mayor Bostick added that he is only going to have one meeting and if anyone else wants to have a meeting they are welcome to do so. Mayor Pro Tem Powell requested that Ms. McGuire meet with him after the meeting.

VIII. EXECUTIVE SESSION

DISCUSSION OF NEGOTIATIONS INCIDENT TO PROPOSED CONTRACTUAL ARRANGEMENTS AND PROPOSED SALE OR PURCHASE OF PROPERTY, THE RECEIPT OF LEGAL ADVICE WHERE THE LEGAL ADVICE RELATES TO A PENDING, THREATENED, OR POTENTIAL CLAIM OR OTHER MATTERS COVERED BY THE ATTORNEY-CLIENT PRIVILEGE, SETTLEMENT OF LEGAL CLAIMS, OR THE POSITION OF THE PUBLIC AGENCY IN OTHER ADVERSARY SITUATIONS INVOLVING THE ASSERTION AGAINST THE AGENCY OF A CLAIM IN ACCORDANCE WITH S.C. CODE OF LAW 30-4-70(A)(2)

A motion was made by Council Member Horton to recess for five minutes then move into executive session. The motion received a proper second by Mayor Pro Tem Powell and carried unanimously.

A motion was made by Council Member Foskey to return to regular session from executive session. The motion received a proper second by Council Member Horton and carried unanimously.

A motion was made by Mayor Pro Tem Powell to amend the lease agreement between the City of Hardeeville, South Carolina and Hargray Telephone Company. The motion received a proper second by Council Member Foskey and carried unanimously.

A motion was made by Council Member Foskey to change the regularly scheduled City Council meeting on August 20, 2009 to August 27, 2009 due to the SIB meeting. The motion received a proper second by Mayor Pro Tem Powell and carried unanimously.

IX. ADJOURNMENT

A motion was made by Council Member Foskey and seconded by Council Member Horton to adjourn the meeting. The motion passed unanimously. The meeting adjourned at 7:40 p.m.

Lori Pomarico, City Clerk

Date

SEAL