

BLUFFTON TOWN COUNCIL MEETING MINUTES
MARCH 8, 2016

Mayor Lisa Sulka called the meeting to order at 6:00 p.m. Council members present were Mayor Pro Tempore Larry Toomer, Fred Hamilton, Harry Lutz and Dan Wood. Town Manager Marc Orlando, Deputy Town Manager Scott Marshall, Assistant Town Manager/Executive Director of the Bluffton Public Development Corporation Shawn Leininger, Finance Director Shirley Freeman, Director of Growth Management Kendra Lelie, Major/Deputy Chief Joseph Manning, and Town Attorney Terry Finger were also in attendance.

Pledge of Allegiance and Invocation was given by Mayor Sulka.

Adoption of Agenda:

Hamilton moved to adopt the agenda as presented. Wood seconded. The motion carried unanimously.

Adoption of Minutes:

- a. Minutes of February 9, 2016:

Wood moved to adopt the Minutes of February 9, 2016 as presented. Hamilton seconded. The motion carried unanimously.

Presentations, Celebrations and Recognitions:

- a. **Mayor Sulka** recognized Justyn Aiken, Bluffton School District Character Education Student for the Month of February – Character Trait for Honesty and Integrity.
- b. **Mayor Sulka** read the 2016 Disabilities Awareness Month Proclamation which was accepted by David Green, Member of Disabilities and Special Needs Board
- c. **Mayor Sulka** recognized the following Town of Bluffton's awards:
- Beaufort Housing Authority's Outstanding Service Award in Recognition of the Town of Bluffton's Outstanding Efforts in furthering Affordable Housing. Councilman Fred Hamilton and Town of Bluffton Affordable Housing Committee members Dee Polite and Jon Nickel were recognized.
 - Town of Bluffton's Finance Department Received the Government Finance Officers Association Distinguished Budget Presentation Award. Shirley Freeman, Finance Director, and Vickie Isaacs, Budget Administrator, were recognized.
 - The South Carolina Arts Commission's Designation of Bluffton Cultural District on February 24th, making Bluffton the sixth Cultural District in the State. Erin Schumacher, Senior Planner, on behalf of the Bluffton Cultural District Alliance was recognized.

Public Comments:

Elizabeth Lovell, 7 Albert Green Lane, stated her concerns on Bluffton losing its identity because of the growth. Bluffton needs to preserve its history. The residents of Buck Island/Simmons ville Roads need to be heard because the area is below standards. Residents also need to participate in the community.

Joan Heyward, 95 Boundary Street, stated her concerns on the proposed UDO change in the Historic District for Lawton Street. Buyers need to do their own research. The UDO should prevail and requested Town Council to consider the future of the Historic District.

Paige Camp, 41 Calhoun Street, stated her concerns on changing the UDO allowing cafes in the Neighborhood Center District (Lawton Street). A precedent will be set and will change the character. She requested Town Council to deny the request for the UDO change on tonight's agenda.

Communications from Mayor and Council:

Councilman Larry Toomer stated the Oyster Factory Park improvements are going well.

Mayor Sulka recognized three Boy Scouts attending the meeting in order to receive their merit badges.

May River Road Streetscape Project Update:

Jeremy Ritchie, Assistant Director of Engineering, stated the improvement of the May River Road corridor is an implementation step of the Old Town Master Plan. It is supported by the Comprehensive Plan and the SC 46 Corridor Management Plan. The final phase of the May River Streetscape will improve approximately 2,875 linear feet of May River Road, beginning at the intersection of Jennifer Court, and ending approximately 100 linear feet east of the intersection with Pin Oak Street. The addition of sidewalks; curb and gutter; on-street parking; landscaping and lighting will improve the appearance of the corridor while increasing safety for pedestrians. With the completion of this project, pedestrian connectivity is provided from Old Town to Buck Island Road.

The proposed project budget is approximately \$1,950,000, including design & permitting, construction, construction management and landscaping.

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May River Road Streetscape Project Update - Continued:

Previous Status: The SCDOT is reviewing plans for design, as well as confirmation that the proposed easements are adequate for the completion of the project. Upon SCDOT authorization, the next step is to formally approach property owners for easement acquisition.

Current Status: SCDOT review comments for the project were received on February 11, 2016 and February 17, 2016. Staff has been in communication with the SCDOT regarding several comments for clarification. Next steps are to award the contract for appraisal and acquisition services, and to receive SCDOT authorization to formally approach property owners for easement acquisition. The completion date will be July 2016.

Accommodations Tax Advisory Committee Funding Recommendations for Quarter Ending December 31, 2015:

Shirley Freeman, Director of Finance stated total State and Local Accommodations Tax funds currently available for distribution are \$119,472.

The Accommodations Tax Advisory Committee met on February 16, 2016, to review the quarterly grant applications and made the following grant award recommendations for Town Council's consideration:

1. **Farmers Market of Bluffton** – Requested \$53,535 (Annual) – Committee recommended \$24,068.

Toomer moved to grant the Farmers Market of Bluffton \$29,436.

Wood seconded. The motion carried unanimously.

2. **Old Town Bluffton Merchants Society** – Requested \$24,000 (Balance of Annual Request) – Committee recommended \$24,000.

Toomer moved to grant the Old Town Bluffton Merchants Society \$24,000. Wood seconded. The motion carried unanimously.

An Ordinance Amending the Budget for Fiscal Year Ending June 30, 2016 – Final Reading:

- General Fund:
 - Intergovernmental Agreement with the Town of Hilton Head Island for Weekend Warrant Services
 - Drug Forfeiture Account Spending
 - Traffic Enforcement Grant Award
- Capital Improvement Program Fund:
 - Parks & Recreation Development Fund (PARC) Grant Award for DuBois Park Improvements
 - Boat Ramp and Local Accommodation Tax Use of Funds for Oyster Factory Park Improvement

Shirley Freeman, Director of Finance stated the attached proposed ordinance will increase the Town of Bluffton's General Fund \$226,371 for Warrant Services, Drug Forfeiture Spending and a Traffic Enforcement Grant and the Capital Improvements Program (CIP) Fund \$220,000 for Oyster Factory Park project and DuBois Park improvement project. There were no changes since first reading on February 9, 2016.

Hamilton moved to have Final Reading on an Ordinance Amending the Budget for Fiscal Year Ending June 30, 2016. Lutz seconded. The motion carried unanimously.

Consideration of Proposed Amendment to Ordinance No. 2015-14 Fiscal Year 2016 Budget, Section 3. Establishment of a Master Fee Schedule to Include Rental of the Facilities at Oyster Factory Park – First Reading:

Shawn Leininger, Assistant Town Manager, gave an overview. On September 8, 2015, Town Council voted to approve the Modified Agreement between the Town and County regarding the operations of the Oyster Factory Park. The Modified Agreement transfers responsibilities and provisions for the management, maintenance, and improvements for the Oyster Factory Park from the County to the Town. This includes the rentals of the park and its facilities to the public.

In preparation for the transfer of park operations and rental management to the Town, the Town must adopt a rental fee for inclusion in the Town's Master Fee Schedule as part as the Fiscal Year 2016 Budget. This action requires an amendment to Ordinance No. 2015-14 Fiscal Year 2016 Budget, Section 3. Establishment of a Master Fee Schedule.

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Consideration of Proposed Amendment to Ordinance No. 2015-14 Fiscal Year 2016 Budget, Section 3. Establishment of a Master Fee Schedule to Include Rental of the Facilities at Oyster Factory Park – First Reading - Continued:

To establish a proposed rental fee schedule for Town Council's consideration, Town Staff gathered park and facility rental fee information for comparable venues including Rotary Community Center, Beaufort County Parks and Leisure Services (PALS), Town of Hilton Head Island, Coastal Discovery Museum at Honey Horn, City of Savannah and Charleston County, D & L Seafood Corporation, among others.

Based upon the rental fee analysis and the meeting with PALS and D & L Seafood Corporation, Town Staff proposed for Council's consideration a rental fee structure for Oyster Factory Park during the January 12, 2016 Town Council meeting. Town Council directed Staff to garner additional public input. Staff met again with a D & L Seafood Corporation. At the February 11, 2016 Strategic Planning Session, Town Council directed Staff to reduce the rental rates for Oyster Factory Park.

The proposed fee structure is comparable to that currently charged by Beaufort County PALS and takes into consideration non-profits, adjacent lawn area surrounding the Garvin House, and associated costs and impacts.

A Public hearing and final reading is anticipated to be held on April 12, 2016.

Hamilton moved to have first reading on the Proposed Amendment to Ordinance No. 2015-14 Fiscal Year 2016 Budget, Section 3. Establishment of a Master Fee Schedule to Include Rental of the Facilities at Oyster Factory Park. Wood seconded. The motion carried unanimously.

Consideration of Ordinance Amending Article 4 Zoning Districts and Article Definitions to Allow Cafes as Conditionally Permitted Uses in Certain Zoning Districts and to Establish Conditional Use Regulations – First Reading:

Kendra Lelie, Director of Growth Management, gave an overview. William Tapp and Chris Johnston of 7 Lawton Street, have filed an application requesting amendment to the UDO. The applicant owns a parcel within the Neighborhood Center – HD (NCE-HD) District which does not permit a restaurant use because the lot does not meet the condition that a restaurant within the NCE-HD district must have frontage on SC Highway 46, Bruin Road, Burnt Church Road or Calhoun Street. The applicant purchased the property at 7 Lawton Street in March 2015 and opened a retail business on Lawton Street in July 2015.

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Consideration of Ordinance Amending Article 4 Zoning Districts and Article Definitions to Allow Cafes as Conditionally Permitted Uses in Certain Zoning Districts and to Establish Conditional Use Regulations – First Reading - Continued:

The Planning Commission and Town Council considered a text amendment beginning in January 2015 relating to reducing the areas where restaurants would be permitted. As the applicant did not have a legally approved use for a restaurant at the 7 Lawton Street parcel prior to the approval of the text amendment on May 12, 2015, the use cannot be grandfathered. As such, the applicant is requesting consideration of a text amendment to permit a café use in the districts in which restaurants are currently conditionally permitted.

A café is proposed by the Applicant to be defined as an establishment where food and beverage is prepared, served and consumed primarily within the principal building provided alcoholic beverages are not possessed, distributed, consumed or sold. The conditions as proposed by the Applicant include:

1. Property must have frontage on SC Highway 46, Bruin Road or Burnt Church Road within the Neighborhood General – HD zoning district and Calhoun Street, Lawton Street or Lawrence Street within the Neighborhood Center – HD zoning district.
2. Alcoholic beverages are not permitted to be possessed, distributed, consumed or sold on the property.
3. After review by the Planning Commission on February 24, 2016, the Planning Commission modified the Applicant's proposed conditional use standards to prohibit outdoor entertainment.

The UDO does not currently permit restaurant uses on the ladder streets (Church, Lawton, Lawrence, and Green Streets) within the NCE-HD district nor does the UDO provide a distinction between a full-service restaurant and a use that provides limited food service. The Applicant proposes the amendment to the UDO to permit a limited food service use on Calhoun, Lawrence and Lawton Streets within the NCE-HD district. The Old Town Master Plan promoted several key principles in the future development of the Bluffton Historic District including clustering retail in the heart of the Town and reform zoning through the adoption of a form-based code. The following are some key statements from the Old Town Master Plan that guide the existing and proposed zoning within the Historic District.

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Consideration of Ordinance Amending Article 4 Zoning Districts and Article Definitions to Allow Cafes as Conditionally Permitted Uses in Certain Zoning Districts and to Establish Conditional Use Regulations – First Reading - Continued:

Planning Commission finds that the requirements of Section 3.5.3 of the Unified Development Ordinance are met and recommends approval to Town Council of an Ordinance amending Article 4, *Zoning Districts* and Article 9, *Definitions* permitting a café as a conditional use within the Neighborhood General HD (NG-HD) and Neighborhood Center HD (NCE-HD) districts and as a permitted use within the Neighborhood Core HD (NC-HD), Light Industrial (LI), General Mixed Use (GM), Neighborhood Core (NC) and Rural Mixed Use (RMU). The following conditional use requirements are recommended by the Planning Commission: (LI), General Mixed Use (GM), Neighborhood Core (NC) and Rural Mixed Use (RMU):

1. Property must have frontage on SC Highway 46, Bruin Road or Burnt Church Road within the Neighborhood General – HD zoning district and Calhoun Street or Lawton Street within the Neighborhood Center – HD zoning district.
2. Alcoholic beverages are not permitted to be possessed, distributed, consumed or sold on the property.
3. Outdoor entertainment which is an event, performance, or activity designed to entertain others is not permitted.

Toomer moved to deny the application as submitted by Applicant.

Toomer moved to amend his motion due to the application not meeting all of the Criteria as stated in Staff Report, so therefore, to deny the application. Hamilton seconded. The motion carried unanimously.

Hamilton seconded the original motion. The motion carried unanimously.

Consent Agenda:

- a. Monthly Department Reports: Police, Finance/Administration, Engineering, Don Ryan Center for Innovation, and Growth Management
- b. Town Manager's Monthly Report
(Continued)

Consent Agenda - Continued:

- c. May River Watershed Action Plan Advisory Committee Recommendation to Town Council to Support South Carolina Department of Health and Environmental Control's Fiscal Year 2017 Budget Request in Support of Increased Statewide Water Quality Sampling Efforts:

The May River Watershed Action Plan Advisory Committee (WAPAC) recommends Town Council approve and submit letters to our state legislators supporting the South Carolina Department of Health and Environmental Control's (SCDHEC) request for increased funding for water quality sampling efforts throughout the state. At the January 26, 2016 meeting of the May River WAPAC, the group discussed the SCDHEC Fiscal Year 2017 request for \$945,000 to expand water quality sampling efforts across the state. The Committee voted unanimously to recommend that Town Council support SCDHEC's request through a letter of support to our state legislators.

Following Town Council approval, the attached letters will be sent to Senator Davis and Representative Herbkersman to express the Town's support of SCDHEC's funding request in Fiscal Year 2017 to expand water quality sampling efforts across the state.

- d. Proposed Park Rules for Oyster Factory Park and DuBois Park:

On September 8, 2015, Town Council adopted a Modified Agreement with Beaufort County for the management, maintenance, and improvements of Oyster Factory Park. In preparation for the transfer of responsibilities from the County to the Town of Bluffton, the Town must establish park rules.

Additionally, following public requests, Town Council voted on November 10, 2015 to prohibit smoking in DuBois Park and to include this provision as park rules were developed. Town Council has not previously established park rules for DuBois Park. The Town of Bluffton Town Council may establish park rules per Chapter 13 of the Code of Ordinances of the Town of Bluffton, South Carolina. To develop park rules for Council's consideration, Town Staff performed the following actions:

1. Reviewed existing County park rules,
2. Received review and approval from the Bluffton Police Department, and
3. Received legal review and approval from the Town's assistant attorney.

Wood moved to accept the Consent Agenda as presented. Lutz seconded. The motion carried unanimously.

Public Comments:

There were none

Executive Session:

- a. Discussion of Proposed Contractual Arrangements Relating to the Garvin House Stabilization and Rehabilitation Project (Pursuant to SC FOIA Act Section 30-4-70(a)(2))
- b. Discussion of Proposed Contractual Arrangements Relating to the May River Streetscape Final Phase Easement Acquisition (Pursuant to SC FOIA Act Section 30-4-70(a)(2))
- c. Discussion of Negotiations Relating to Proposed Contractual Arrangements and Proposed Transfer of Property within Bluffton Village (Pursuant to SC FOIA Act Section 30-4-70(a)(2))
- d. Discussion of Personnel Matters Relating to Legal Orientation and On Boarding of New Town of Bluffton Employees and Town Council Appointed Boards, Committees, and Commissions (Pursuant to SC FOIA Act Section 30-4-70(a)(1))
- e. Review of the Town of Bluffton's Operating and Administrative Procedures Manual (Pursuant to SC FOIA Act Section 30-4-70(a)(2))

Wood moved for Town Council to go into Executive Session to discuss the abovementioned items. Toomer seconded. The motion carried unanimously. Town Council entered into Executive Session at 7:51 p.m.

Actions from the Result of Executive Session:

Mayor Sulka called the meeting back to order at 9:00 p.m. and announced no votes were taken.

Hamilton moved for Town Council to authorize the Town Manager to approve and execute a contract with Construction Consultants for the Rehabilitation and Preservation of the Garvin House in an amount not to exceed \$292,067 and to authorize a contingency amount of \$43,810. Lutz seconded. The motion carried unanimously.

Wood moved for Town Council to authorize the Town Manager to approve and execute a contract with O.R. Colan Associates, LLC for the May River Streetscape Easement Acquisition in an amount not to exceed \$173,850, with the understanding that the amount will be reduced, to the extent legally permissible, to allow for certain work to be performed by the Town Attorney's office and the possible donation of easements. Toomer seconded. The motion carried unanimously.

Meeting adjourned at 9:02 p.m.

Mayor

Town Clerk