

BLUFFTON TOWN COUNCIL MEETING MINUTES
JUNE 14, 2016

Mayor Lisa Sulka called the meeting to order at 6:00 p.m. Council members present were Fred Hamilton, Harry Lutz and Dan Wood. Mayor Pro Tempore Larry Toomer was absent. Town Manager Marc Orlando, Deputy Town Manager Scott Marshall, Finance Director Shirley Freeman, Police Chief Joey Reynolds, and Town Attorney Terry Finger were also in attendance.

Flag Day Presentation of Colors:

C/Master Sgt. Joshua D. Lamont, C/Master Sgt. Joseph O. Trindl, C/Senior Airman Wesley D. Leber, and C/Senior Airman Joshua L. Jolin of the Lowcountry Composite Squadron Color Guard presented the Colors to commemorate the adoption of the Flag of the United States in 1777.

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. Town Council Workshop Minutes of May 3, 2016:
Hamilton moved to adopt the Workshop Minutes of May 3, 2016 as presented. Wood seconded. The motion carried unanimously.
- b. Regular Town Council Meeting Minutes of May 10, 2016:
Wood moved to adopt the Regular Minutes of May 10, 2016 as presented. Hamilton seconded. The motion carried unanimously.
- c. Town Council Budget Workshop Minutes of May 16, 2016:
Hamilton moved to adopt the Workshop Minutes of May 16, 2016 as presented. Wood seconded. The motion carried unanimously.
- d. Town Council Budget Workshop Minutes of May 26, 2016:
Hamilton moved to adopt the Workshop Minutes of May 26, 2016 as presented. Wood seconded. The motion carried unanimously.

Presentations, Celebrations and Recognitions:

Mayor Sulka announced that Makenzie Stubbs is the Bluffton School District Character Education Student for the Month of May. Makenzie is a first grade student from Pritchardville Elementary. The Character Trait for May is responsibility and cooperation.
(Continued)

Presentations, Celebrations and Recognitions – Continued:

Mayor Sulka read the Civil Air Patrol USAF 75th Anniversary Proclamation and was accepted by Major Crystall Eudy, Corporal Eudy, and Captain Mitch Brach.

Presentation of Hilton Head-Bluffton Chamber of Commerce Bluffton's Marketing Plan and FY 2016-17 Budget as the Town's Designated Marketing Organization (DMO): Ariana Pernice, Vice President, Visitor & Convention Bureau, introduced Kelli Brunson, Research and Marketing Analyst, who will be located in the Bluffton office. Pernice gave an overview of Bluffton's Marketing Plan Media proposal that included "Southern Lady", "Conde' Nast Traveler", and "Garden and Gun" and requested Town Council's input. This proposal was considered during the *Accommodations Tax Advisory Committee Funding Recommendation* portion of the Council meeting.

Public Hearing and Final Reading:

Fiscal Year 2017 Proposed Consolidated Budget:

Marc Orlando, Town Manager, gave an overview of the Fiscal Year 2017 Proposed Consolidated Budget totaling \$36,652,292. The four (4) major funds are the General Fund, Stormwater Fund, Capital Improvements Projects (CIP) and Debt Service Fund.

Per Council's instructions the budget ordinance was changed from first reading to include a two (2) mill reduction of Property Tax in Section 2: Establishment of Property Tax Levy. A one (1) mill reduction for General Fund from 40.0 to 39.0 in property tax revenue was accomplished by eliminating two new full-time positions (one in police and one in Project Management), a decrease in the contingency line item and a decrease of vehicle fuel expenditure. A one (1) mill reduction for Debt Service 4.35 to 3.35 in property tax is accomplished by using Debt Service Fund Balance.

Mayor Sulka opened the Public Hearing at 6:49 p.m.

Public Comments:

There were none.

Public Hearing closed at 6:49 p.m.

Hamilton moved to have Final Reading of the Fiscal Year 2017 Consolidated Budget with the reduced Millage of 42.35. Lutz seconded. The motion carried unanimously.

May River Streetscape Project Update:

Scott Marshall, Deputy Town Manager gave an overview.

Improvement of the May River Road corridor is an implementation step of the Town of Bluffton Old Town Master Plan, 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 the Historic District to Buck Island Road.

May Updates:

- Submitted application for an Encroachment Permit to the SCDOT.
- 39 Total easements needed for project.
 - All property owners have been contacted; most have been amenable.
 - Initiated easement acquisition with 30 property owners.
 - Three owners have returned signed agreements.
 - 36 owners have agreement in-hand.
 - Cost estimates for easement acquisitions will be presented in Executive Session.
- Executed landscape/hardscape design contract with J.K. Tiller Associates.
 - Will work with property owners on design plan and will present to Town Council in July for review.
- Construction bids received on June 7 and will be discussed in Executive Session.
- Project roadway schedule and costs will be refined after construction contract award.
- Start date will depend on construction contract

Public Comments:

Roberts Vaux, 1251 May River Road, gave the Town Manager right-of-way acquisitions for May River Road Streetscape Project Phase II. He also requested to restore faith and trust on this project.

Bridgette Frazier, 15 Guerrard Avenue, stated that the current Mobile Food Truck Ordinance prohibits them from operating in the Old Town. Food Truck pays all taxes and fees to operate. She requested Council to rewrite the current ordinance to allow Mobile Food Trucks to operate on private businesses' property.

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Public Comments - Continued:

Sable Brown, 163 Buck Island Road, stated she requested the Bluffton Eagles Field Committee to hold "Celebrate Bluffton" at the Field and has not received any response.

Mare Deckard, 806 Madrid Avenue, Port Royal, stated she opposed the proposed Animal Ordinance because it contradicts state law. The proposed ordinance does not evaluate dangerous pets adequately and could cause financial liability and notices of appeals.

Amber Bryson, 5 Gumtree Road, HHI, stated that Mobile Food Trucks pay licenses and taxes, are inspected by DHEC and their kitchens are regulated. She requested to consider revising current ordinance to allow Mobile Food Trucks in Old Town.

Peter Izzillo, 5 Gumtree Road, HHI, stated the Mobile Food Trucks want a chance to stay local and not have to travel to Savannah and Charleston. They do not want to compete with restaurants or shut them down.

Skip Hoagland, 61 Sparwheel Lane, HHI, stated that Mayor Sulka has made money in real estate from being the Mayor and needs to release her tax returns.

Joanie Heyward, 95 Boundary Street, thanked Town Manager for supporting the 20th Anniversary Preservation Symposium which was very successful. She also thanked Town employees Erin Schumacher for organizing and chairing the event and also Debbie Szpanka for her assistance.

Amy Campanini, Bluffton Park, President of Palmetto Animal League, thanked Town Manager for meeting with her on the proposed Animal Ordinance. She requested for Council to not have final approval because the Ordinance is focusing on the wrong pets, there was a lack of due process, discriminatory, legislature issues, property rights being violated, and owners should be able to choose the pet of their choice.

Kathy Bradford, 38 Sugar Maple, Palmetto Towing & Recovery, stated it was impossible to comply with the proposed Towing Ordinance and would limit the number of companies on the Town of Bluffton of rotation.

Communications from Mayor and Council:

Mayor Sulka announced the following:

- To remember the Orlando victims and send condolences
- The 2nd Annual Bluffton Juneteenth Festival will be held on June 18th at the Bluffton Oyster Factory Park. Lee Jean will be performing.

Accommodations Tax Advisory Committee Funding Recommendations for Quarter Ending March 31, 2016:

Shirley Freeman, Director of Finance, gave an overview. The Accommodations Tax Advisory Committee (ATAC) reviewed and recommended approval on their May 23rd meeting the Hilton Head Island-Bluffton Chamber of Commerce, the Town's Designated Marketing Agency, Fiscal Year 2017 Marketing Budget for the Town of Bluffton with the condition that the Chamber research the cost and comparative benefits of ads in Southern Living, Gun and Garden, and Conde' Nast Traveler versus their proposed Southern Lady regional print ad campaign.

Wood moved to approve the Hilton Head Island-Bluffton Chamber of Commerce Marketing Budget for the Town of Bluffton and for the media list to include "Garden and Gun" and "Conde' Nast Traveler." Lutz seconded. The motion carried unanimously.

The ATAC met on May 23, 2016 to review the following quarterly grant application:

Heyward House Historic Center – Annual Request of \$90,000. ATAC recommended approval of their annual request of \$90,000 and to be fully funded this quarter.

Total State and Local Accommodations Tax funds available for distribution are \$115,863.

Hamilton moved to grant the Heyward House Historic Center their annual request of \$90,000 and to be fully funded this quarter. Wood seconded. The motion carried unanimously.

Consideration of a Proposed Amendment to the Code of Ordinance Chapter 4, Animal Control, Ordinance – Final Reading:

Terry Finger, Town Attorney and Beaufort County Assistant Attorney, Allison Coppage gave an overview.

Staff recommends the Town of Bluffton Code of Ordinances, Chapter 4 - Animals be amended by striking it in its entirety and replaced with adoption, by reference, of Beaufort County Ordinance Chapter 14, Article II - Animal Control. In addition to reference to the Beaufort County Ordinance, several items should also be added to the amended Bluffton Code of Ordinances Chapter 4 which is unique to the existing Town of Bluffton Code regarding animal control.

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Consideration of a Proposed Amendment to the Code of Ordinance Chapter 4, Animal Control, Ordinance – Final Reading - Continued:

A request has been made by Beaufort County for the Town of Bluffton to adopt the new County Animal Control Ordinance, by reference, and enter into an intergovernmental agreement which would allow the County to enforce the ordinance within Town limits. Currently, the County ordinance is only enforceable in the unincorporated areas of the County. In order for a County Ordinance to be enforceable within a municipality, the municipality would have to either adopt the ordinance, or enter into an agreement with the County for the ordinance to be in effect within the Town. The County would like for all Beaufort County municipalities to repeal their current animal control ordinance, adopt the County ordinance, and enter into an intergovernmental agreement in order for there to be a uniform animal control ordinance throughout the County.

The Towns of Port Royal and Hilton Head Island have already complied with this request from Beaufort County.

The Town has a current animal control ordinance in Chapter 4 of the Bluffton Code of Ordinances. The County ordinance would be a more comprehensive ordinance than the Town currently has in place. For instance, the County ordinance requires dogs to have an annual license unless they have a chip implanted or permanent tattoo placed on the dog. Also, the County classifies Pitbull dogs as a restricted species and applies special rules to ownership of these dogs, such as requiring spaying or neutering for all Pitbulls unless they meet a listed exception.

Items not addressed in the County ordinance that are currently covered in the Town's existing animal control ordinance are:

Sec. 4-4. - Driving and Racing.

It shall be unlawful for any person to drive horses or other animals at a dangerous speed, or to race horses or other animals on the public streets.

Sec. 4-35. - Swine, Livestock prohibited from Town; exceptions.

(a) No swine or livestock shall be kept within the corporate limits without specific approval of the Town Council, or unless otherwise allowed by zoning regulations. No approval shall be granted or continued if such keeping shall constitute a menace to health or welfare of the public.

(b) No livestock shall be permitted to run at large.

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Consideration of a Proposed Amendment to the Code of Ordinance Chapter 4, Animal Control, Ordinance – Final Reading - Continued:

Sec. 4-36. - Nuisances; Failure to Abate.

(c) All stables, houses, and barns shall be kept in a clean and sanitary condition, and the manure not allowed to accumulate, and shall be subject to regulations prescribed by the County health officer.

Sec. 4-91. - Established.

(a) The entire area within the corporate limits of the Town is hereby established and declared to be a wild bird sanctuary for non-game birds; provided, however, this section shall not apply to that area of town known as Palmetto Bluff.

(b) Unless otherwise authorized under state hunting laws, it shall be unlawful within the Town to trap, hunt, shoot, harm, rob the nest of, or molest in any way any wild bird or fowl, except as may be determined by Town Council or the Manager.

These items have been retained and are included in the proposed ordinance.

After Town Council passes the amendment on second and final reading, in a separate and subsequent action, it is recommended that Council adopt, by resolution, an Intergovernmental Services Agreement between Beaufort County and the Town for the purposes of providing animal control services within the Town's municipal boundaries.

Wood moved to have Final Reading on the Amendment to the Code of Ordinance Chapter 4, Animal Control, Ordinance by Reference to the Beaufort County Ordinance. Hamilton seconded. The motion carried unanimously.

Consideration for the Town of Bluffton to Enter Into An Intergovernmental Agreement with Beaufort County for the Purpose of Providing Animal Control Services:

Terry Finger, Town Attorney, pending successful second and final reading of an ordinance to amend the Town of Bluffton Code of Ordinances, Chapter 4 by striking it in its entirety and replacing it with adoption, by reference, of Beaufort County Ordinance Chapter 14, Article II - Animal Control, adoption of the attached Intergovernmental Services Agreement is necessary to formalize the relationship between the County and the Town for the purposes of providing animal control services.

Finger recommended for Town Council authorize the Town Manager to enter into an Intergovernmental Services Agreement necessary to formalize the relationship between the County and the Town for the purposes of providing animal control support.

Wood moved to approve the Town of Bluffton to Enter into an Intergovernmental Agreement with Beaufort County for the Purpose of Providing Animal Control Services. Hamilton seconded. The motion carried unanimously.

Consideration of an Ordinance Approving an Amendment to the Town of Bluffton Code of Ordinances, Chapter 26, *Traffic and Motor Vehicles*, which would result in the Addition of a New Article VII, *Towing and Wrecker Services*, for the Purpose of Regulating the Safe and Efficient Removal, Storage, and Safekeeping of Certain Towed Vehicles – First Reading:

Major Joseph Manning, Deputy Police Chief, gave an overview.

Through different discussions between Town Council members and Town employees, it has been suggested the current Towing procedures for vehicles within the Town limits should be addressed and changed if decided upon.

Currently the Town Ordinance *2008-23, & 18.310 Article III – Parking, Standing, and Stopping* states the procedures for the removal of vehicles by the Bluffton Police Department. In addition, the Bluffton Police Department has *Standard Operating Police #501 Traffic Services and Towing*, which provides the objective and policy about towing vehicles. In researching the ordinance and policy, it would be more consistent with merging the two and provide more specifics on reasons for towing, responsibilities and expectations of each town company.

Items for discussion as follows:

- What rules and regulations should be placed on a town company that wants to be added to the rotation?
 - Consideration of requirement: Must have business office and lot inside Town limits.
- Consideration to accept Beaufort County/Town of Hilton Head fee schedule for consistency.
 - Town of Bluffton fee schedule has not been updated since 2011.

Wood moved to have first reading on the Ordinance Approving an Amendment to the Town of Bluffton Code of Ordinances, Chapter 26, *Traffic and Motor Vehicles*, which would result in the Addition of a New Article VII, *Towing and Wrecker Services*, for the Purpose of Regulating the Safe and Efficient Removal, Storage, and Safekeeping of Certain Towed Vehicles with the condition of having a grace period. Lutz seconded. The motion carried unanimously.

Consideration of Resolution to Adopt the Fiscal Year 2017-2018 Strategic Plan:

Scott Marshall, Deputy Town Manager, stated approving the Resolution will formalize the Town's Strategic Plan for fiscal years 2017 and 2018. Following a comprehensive strategic planning workshop, and with significant input from Town Council, Town Staff have drafted a formal Strategic Plan for fiscal years 2017-18. The plan identifies planning objectives that will provide policy guidance in managing and directing the application of town resources.

Hamilton moved to adopt the Resolution approving the Fiscal Year 2017-2018 Strategic Plan. Lutz seconded. The motion carried unanimously.

Consent Agenda:

- a. Monthly Department Reports: Police, Finance/Administrative, Engineering, Don Ryan Center for Innovation, and Growth Management.
- b. Town Manager's Monthly Report
- c. Recommendation to Formally Adopt Stormwater Rate Study Report Option A "Current Rate Structure" – Kim Jones, Stormwater Division Manager.

Per the August 24, 2011 Stormwater Intergovernmental Agreement (IGA) between the Town and Beaufort County to administer the Stormwater Utility, the Town must annually provide to the County the Stormwater Utility User Fee (Fee) to be collected as part of the annual property tax bill. The historical calculation all jurisdictions used to determine the Fee was the Single Family Unit (SFU). Using this calculation, the Town stormwater Fee has been \$98 per SFU since 2008. However, in 2014 in response to increasing level of service expectations, maintenance and administration cost increases, and impending costs associated with Municipal Separate Storm Sewer System (MS4) designation, the County contracted to have a stormwater utility rate fee with several funding scenarios modeled (Rate Study). The Town and other municipalities agreed to participate in this Rate Study. Council's directive during the February 2015 Strategic Planning Session was regardless of the Rate Study findings, the Town Fee would remain the same.

As the Town Rate Study provides six (6) alternatives for Fee calculations, Town Council must adopt and notify the County which alternative to use. The Town's Fiscal Year 2017 Proposed Budget is based upon Option A "Current Rate Structure" which keeps the Fee the same at \$98 per SFU. Following Town Council's approval to adopt Stormwater Rate Study Option A "Current Rate Structure," Staff will notify the County Stormwater Utility administration for inclusion on the 2016 Tax Bills.

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

Public Comments:
There were none.

Executive Session:

- a. Personnel Matters Relating to Boards, Commissions and Committees (Pursuant to SC FOIA Act Section 30-4-70(a)(2))
- b. Consideration of Wall of Honor Nominee (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 and Development Rights within Bluffton Village (Pursuant to SC FOIA Act Section 30-4-70(a)(2))
- d. Discussions of Negotiations Relating to Proposed Contractual Arrangements and Proposed Purchase of Property within the Bluffton Historic District (Pursuant to SC FOIA Act Section 30-4-70(a)(2))
- e. Legal Advice from Town Attorney Relating to Contractual Matter Involving a Nonprofit Entity (Pursuant to SC FOIA Act Section 30-4-70(a)(2))
- f. Discussion of Proposed Contractual Arrangements Relating to the May River Road Streetscape Construction (Pursuant to SC FOIA Act Section 30-4-70(a)(2))
- g. Discussion of Contractual Matters Relating to Easement Acquisition Just Compensation for the May River Road Streetscape (Pursuant to SC FOIA Act Section 30-4-70(a)(2))

Hamilton moved for Town Council to go into Executive Session to discuss the abovementioned items. Lutz seconded. The motion carried unanimously.
Town Council entered into Executive Session at 8:08 p.m.

Actions from the Result of Executive Session:

Mayor Sulka called the meeting back to order at 9:47 p.m. and announced no votes were taken.

Hamilton moved for Oscar J. Frazier to be placed on Wall of Honor. Lutz seconded. The motion carried unanimously.
(Continued)

Actions from the Result of Executive Session - Continued:

Wood moved to approve the following appointments and reappointments:

New appointments:

ATAX Committee – Jean Wilson – Three (3) year term

Historic Preservation Commission – Joseph Mascetti – Remainder of term/ending June 30, 2017

Southern Beaufort County Corridor Beautification Board – Randy Boehme – Remainder of term/ending February 1, 2017

Construction Board of Adjustments and Appeals – Mike Vaccaro – Three (3) year term

Reappointments:

Beaufort-Jasper Water & Sewer Authority Board of Directors – Michael Bell – Six (6) year term

Beautification Committee – David Waugh – Three (3) year term

Beautification Committee – Shere Colborn – Three (3) year term

Bluffton Public Development Corporation Board of Directors – Berl Davis – Three (3) year term

Bluffton Public Development Corporation Board of Directors – Mac Dunaway- Three (3) year term

Board of Zoning Appeals – Julie O'Donnell – Three (3) year term

Construction Board of Adjustments – David Donnell – Three (3) year term

Construction Board of Adjustments – Scott Middleton – Three (3) year term

Don Ryan Center for Innovation Board of Directors – Kevin Ryan – Three (3) year term

Don Ryan Center for Innovation Board of Directors – Matt Green – Three (3) year term

Historic Preservation Commission – Chris Epps – Three (3) year term

Historic Preservation Commission – Marge Blair – Three (3) year term

Planning Commission – Sean Congleton – Three (3) year to date

Lutz seconded. The motion carried unanimously.

Lutz moved to authorize the Town Manager to enter into negotiations for the sale of Town owned property within Bluffton Village. Wood seconded. The motion carried unanimously.

(Continued)

Actions from the Result of Executive Session - Continued:

Hamilton moved to authorize the Town Manager to enter into negotiations for the purchase of the property within the Bluffton Historic District with the purchase price not to exceed \$1,095,000. Wood seconded. The motion carried unanimously.

Wood moved to authorize the Town Manager to approve and execute permanent and temporary easements acquisitions to install sidewalk and drainage improvements along May River Road for Streetscape Project Phase II. Hamilton seconded. The motion carried unanimously.

Meeting adjourned at 9:49 p.m.

Mayor

Town Clerk