

BLUFFTON TOWN COUNCIL MEETING MINUTES
SEPTEMBER 8, 2015

Mayor Sulka called the meeting to order at 6:00 p.m. Council members present were Mayor Pro Tempore Huffman, Lavery, Hamilton, and Toomer.

Town Manager/Executive Director of the Bluffton Public Development Corporation Orlando, Director of Finance Freeman, Director of Growth Management Leininger, Director of Public Works/Engineering Jones, Chief Reynolds, and Attorney LaBruce Richardson were also in attendance.

Pledge of Allegiance and Invocation was given by Councilman Hamilton.

Adoption of Agenda:

Huffman moved to adopt the agenda as presented. Lavery seconded. The motion carried unanimously.

Adoption of Minutes of August 11, 2015:

Huffman moved to adopt the minutes as presented. Hamilton seconded. The motion carried unanimously.

Presentations, Celebrations and Recognitions:

Mayor Sulka read the following Proclamations:

- a. Daughters of the American Revolution's Constitution Week Proclamation which was accepted by Members Carol Cuff, Mary Williamson, Debi Bacon, and Jane Michael.
- b. Boys & Girls Club "Day for Kids" Proclamation which was accepted by Ebony Gadson, member of the Bluffton Boys & Girls Club.

Mayor Sulka recognized the Town of Bluffton Finance Department on Receiving the FY 2014 Award for the Certificate of Achievement for Excellence in Financial Reporting (CADR) for seven consecutive years and the FY 2014 Award for the Popular Annual Financial Report (PAFR) for four consecutive years for FY 2014. Finance Director Shirley Freeman and Assistant Director of Finance Trisha Greathouse accepted.

The following new employees were introduced:

- Andrea Berry – Stormwater Technician
- Matthew Carey – GIS Analyst
- Maria Hunter – Customer Service Representative
- Jenna Marstiller – Customer Service Manager
- Steven Malphrus – Support Services IT

Bluffton Creative Initiative Proposed Designation of the Old Town Bluffton Area as a South Carolina Arts Commission Cultural District as Allowed by State Law:

Shawn Leininger, Director of Growth Management gave an overview. A group of interested individuals known as the Bluffton Creative Initiative are coordinating the establishment of a Bluffton Cultural District with the State of South Carolina Arts Commission.

In June 2014 Act 232 went into effect which authorizes the SC Arts Commission to grant Cultural District designation. The applicant must be a city or town in South Carolina which may designate a municipal department or community partner organization (i.e. arts council, chamber of commerce, historic district, visitor's bureau or other capable body may serve in this capacity) to serve as the contact for the application and to manage the proposed district.

Since January of 2015, Doreen Bauman (Celebrate Bluffton) serving as Co-Chair with Judy McElynn (Maye River Gallery) have been engaged in a grassroots effort to establish a steering committee to begin the process of getting Bluffton designated as a Cultural District. It is required that the steering committee be composed of at least one cultural organization and one organization representing artists and other organizations and individuals that represent the interests of the district. As such, they have engaged a number of community organizations, interested individuals, and Town officials and staff of the interest in establishing a Cultural District and the process to move an application forward. At this time, one organization has not taken the lead on this effort; rather a group of individuals from various organizations have teamed together to form the steering committee.

As part of the 2015 Strategic Plan, Town Council identified as a high priority the development of historic/heritage tourism. Specific action steps include exploring and presenting to Town Council the potential establishment of a Bluffton Cultural District.

A Cultural District is a geographic area with a concentration of cultural facilities, activities and assets; is easily identifiable; and serves as center of cultural, artistic and economic activity

Town Staff resources are required in the development, submittal, and designation of a Cultural District. This effort by Staff has been accounted for in the current Strategic Plan. Additionally, depending upon the items set forth in the action plan, there may be actions requiring financial contributions from the Town. As noted previously, Town Council will have the ability to review and approve the action plan as part of the authorizing resolution and application.

(Continued)

Bluffton Creative Initiative Proposed Designation of the Old Town Bluffton Area as a South Carolina Arts Commission Cultural District as Allowed by State Law - Continued:

Action items are as follows:

- The leadership of the Town needs to decide if there is interest in pursuing the designation and if they want to designate the steering committee as the community partner organization or if they would prefer to designate another organization or municipal department **(Town Council approval)**
- The steering committee needs to meet to finalize the items of the action plan and the mapping of the district. **(Town Staff input and assistance with mapping)**
- Once the application, mapping, and action plan are completed the information is presented to Town Council for review and a resolution presented for adoption. **(Town Council review, comment, and approval)**
- The application is submitted for review and approval by the S.C. Arts Commission board. **(Town Staff assistance)**
- Recommend that a MOU be established with an existing organization, a new organization, an alliance of organizations to implement, provide annual reports, and be accountable.

Public Comments:

Anne Cooke, 37 Thomas Heyward Street, thanked Town Council and the Building & Safety Department for helping her get natural gas in her home.

Joanne Fusco, Lakes at Myrtle Park, stated there needed to be rent controls. State law allows rent to increase on renewals.

Mike Raymond, stated his concerns on expenses of the proposed maintenance on the Calhoun Street Dock; Oyster Factory Park; and Eagles Field. Beaufort County needs to negotiate options or implement tax rebates if the Town is to take over the maintenance.

Communications from Mayor and Town Council:

Councilman Hamilton requested Town Manager to contact Mike Raymond's concerns to address his concerns on maintenance expenses.

Councilwoman Lavery requested Town Manager to address smoking in public parks due to mainly children.

Town Manager stated he would present an amended ordinance in October.

Resolution for Financing Contract for Capital Equipment:

Shirley Freeman, Director of Finance, stated the Resolution will approve the financing of eight vehicles for the Police Department; F-450 dump truck, and F-250 truck and ditch mowing equipment for the Public Works Department. With five lending institutions responding for quotes, BB&T provided the lowest quote at 1.63% with a term of five years. The updated vehicles and equipment estimates results in the loan amount of \$521,500. The purchase of these vehicles and equipment are included in the FY 2016 approved budget. Marc Orlando, Town Manager, gave an overview of the capital equipment and stated they were approved in the FY 2016 Budget.

Hamilton moved to adopt the Resolution for the Financing Contract for Capital Equipment. Lavery seconded. The motion carried unanimously.

Consideration of an Amendment to the Shell Hall Master Plan:

Kendra Lelie, Assistant Director of Growth Management, gave an overview. The applicant is requesting an amendment to the Shell Hall Master Plan which will include Phase III (final phase) of the three (3) phase project. At the June 24, 2015 Planning Commission meeting, a recommendation to Town Council was approved for an amendment to the Shell Hall Master Plan including the following elements:

1. Creation of 69 residential lots which results in a total of 251 lots. This is a reduction of 13 lots from the permitted maximum of 264 lots.
2. Provision for a future access to Bluffton Parkway including a potential cross connection allowing the neighboring community, Pinecrest, future access to Bluffton Parkway and a possible secondary access through Pinecrest for Shell Hall residents.
3. Incorporation of three (3) stormwater lagoons.
4. Establish roadway and pedestrian network to serve residential lots.

Previously the Planning Commission's recommendation included the following conditions:

1. Provide a roadway connection to future Bluffton Parkway Phase 5B and illustrate the roadway to the northern property boundary on all exhibits. Provide a description in the narrative clarifying the proposed timing and responsibility of this roadway connection implementation.
2. Provide an easement connection to the Pinecrest community for access purposes to the future Bluffton Parkway Phase 5B.

(Continued)

Consideration of an Amendment to the Shell Hall Master Plan - Continued:

3. Provide documentation to the Narrative and the Master Plan Exhibits clarifying the status of any as-built or potential "mother-in-law" units and how those units may impact the maximum density allocation permitted.
4. Provide a current set of Architectural Guidelines to be included in the PUD Master Plan Document.

The application addressed these comments and provided a revised exhibit for Town Council's consideration at the August 11, 2015 meeting. Pursuant to Town Council's review of the Planning Commission's recommendation and the updated Master Plan Amendment, the applicant was directed to address the following additional elements:

1. Opportunity for a secondary access. Town Council requested a more immediate secondary access transportation route in addition to the future connectivity to Bluffton Parkway Phase 5B.

The applicant is proposing the construction of a stub road to the edge of the property line for Phase III which will line up with a stub road which was constructed in Pinecrest. A gate will be installed at the end of the Shell Hall stub road providing access for the Shell Hall community through the Pinecrest community to Bluffton Parkway.

From the road connecting Shell Hall to Pinecrest, the shared right-of-way will be platted connecting to Phase 5B allowing both neighborhoods access. Additionally, the Applicant will escrow 50% of the estimated cost to build the connection to Phase 5B.

As Pinecrest is also a private neighborhood with private streets, approval by the Pinecrest Property Owners Association is necessary to allow for shared use of their roadway. Staff will work with the Pinecrest community and Beaufort County to gain support for the interconnectivity which may help support a signalized intersection of Crossings Boulevard / Masters Way and Bluffton Parkway.

Staff has also been in contact with Cross Outreach Ministries (Church of the Cross) regarding the possibility of an additional vehicular access connection to the north of the parcel. At this time the Church of the Cross indicated that the existing pedestrian access is preferred but agreed to continue discussions with Staff regarding a future vehicular connection.

2. Residual 13 Dwelling Units. Town Council requested the applicant extinguish the rights to the 13 dwelling units that are not currently included in the overall unit count.

The applicant has indicated that the 13 residual dwelling units will be donated to the Town Development Rights Bank as a condition of the Master Plan Amendment.

Consideration of an Amendment to the Shell Hall Master Plan - Continued:

3. Open Space. Town Council requested enhancing and increasing the open space areas in Phase III.

The applicant updated the Master Plan Amendment to include a nature trail system within an additional open space area within the 200 foot power line easement, a wood boardwalk that connects two stub roads providing a pedestrian connection through the wetlands from one segment of the community to another and a linear park surrounding the central lagoon which includes a gazebo and dock area.

4. Additional Parking Opportunities. Town Council requested additional opportunities for parking that would accommodate overflow parking for visitors. The applicant provided an additional 20-22 parallel parking spaces adjacent to the Lagoon park area and indicated that on-street parking is not restricted by the community's covenants and restrictions.

The Planning Commission requested the applicant consider reducing or eliminating the spaces surrounding the lagoon open space and spreading them throughout Phase III with delineated on-street parking spaces. Staff will work with the applicant during the Development Plan stage to ensure the parking spaces are provided.

Shell Hall is located in the eastern tract of the Buckwalter PUD, which was approved in April 2000 consisting of 120.7 acres. The Shell Hall Master Plan was originally approved by the Town Council in September 2001 which included 264 lots of which 200 were planned as single family dwellings and 64 were planned as mother-in-law suites. Town Council approved an amendment to the original Master Plan in 2009 which included the following revisions:

- Addition of an electronic gate at the entrance of Shell Hall;
- Removal of vehicular interconnectivity from Pinecrest in Phase III;
- Restriction of pedestrian access between Shell Hall and Pinecrest;
- Addition of 10 lots in Phase I;
- Addition of a park in Phase I;
- Replacement of planned open space areas in Phase II with stormwater lagoons;
- Addition of 25 lots in Phase II; and
- Removal of Phase III lot layout and labeling as 'Future Development'.

(Continued)

Consideration of an Amendment to the Shell Hall Master Plan - Continued

Shell Hall, Phase I is designed as a traditional neighborhood development with village themed residential structures centered on a community square which includes recreational amenities. The neighborhood receives ingress and egress access from Buckwalter Parkway.

Huffman moved to approve the Amendment to the Shell Hall Master Plan with the following requirements:

- 1. A more immediate secondary access transportation route in addition to the future connectivity to Bluffton Parkway Phase 5B provided. Applicant will construct the connector road to Pinecrest running in a east west direction. Applicant will provide a north south right of way to Future Bluffton Parkway Phase 5B and escrow sufficient funds (as determined by Staff) to cover half of the cost to build a connector road in the future.**
- 2. The applicant shall assign the development rights for unused 13 dwelling units to the Town of Bluffton and the development rights will be placed in the Town's Development Rights Bank.**
- 3. The applicant shall provide the additional open space and park space as delineated in the Master Plan Amendment.**
- 4. The applicant shall add additional opportunities for parking that would accommodate overflow parking for visitors. The number of parking spaces will be maximized as determined at the time of development plan approval.**

Lavery seconded. The motion carried unanimously.

Ordinance Terminating the Kent Estates Development Agreement – First Reading:

Shawn Leininger, Director of Growth Management, gave an overview. On October 27, 2004, the Town negotiated and entered into the Kent Estates Development Agreement with New Leaf LLC. The Development Agreement allowed New Leaf to develop and sell any or all of the approximately 130.8 acres generally defined as the Kent Estates Tract per certain pre-approved development standards set forth in the Development Agreement. Portions of the property were eventually sold to Lowcountry Evergreen, LLC (22.48 acres) and National HealthCare Corporation (NHC) (19.75 acres) specifically these terms provided the following development rights:

(Continued)

Ordinance Terminating the Kent Estates Development Agreement – First Reading – Continued:

In addition to establishing development rights, the Development Agreement also set forth obligations. These obligations include the following:

1. Dedicate right-of-way for the SC170 widening project.
2. Pay the Town or appropriate governmental entity \$50,000 towards a future traffic signal.
3. Dedicate a 10 foot easement within the SC170 highway buffer for a greenway and leisure trail.
4. Pay the Town the annual sum of \$14,000.00 for a period of five consecutive years for the construction of a Leisure Trail.
5. Pay the Town the annual sum of \$44,000.00 for a period of four consecutive years and for each year of any extension to the Development Agreement to meet the demands of the Kent Estate's development and to avoid adverse ad valorem tax consequences for the residents of the Town.
6. Pay the Town annual Interim Development Fees, as set forth in Section XI(C) of the Development Agreement.
7. Pay the Town the annual sum of \$70,000.00 as a fee in lieu of taxes commencing on the sixth (6th) anniversary date of the Development Agreement each year thereafter for ten (10) successive years, or the end of the New River TIF, whichever event occurs first, to offset the loss of projected tax revenues due to the Kent Estates Tract's location in the New River Tax Increment Financing District.

The Kent Estates Development Agreement was scheduled to expire on October 27, 2014. However, Acts 297 and 112 passed by the 118th and 120th South Carolina General Assembly, respectively, have suspended the running period of development approvals and any associated vested right until December 31, 2016.

In July 2014 Colony Bank commenced a foreclosure action against Lowcountry Evergreen LLC for the foreclosure of a mortgage on Lowcountry Evergreen LLC's portion of Kent Estates. New Leaf LLC is currently in default of its mortgage that is also held with Colony Bank.

Both Lowcountry Evergreen LLC and New Leaf LLC are in default of their financial obligations to the Town of Bluffton. Currently Lowcountry Evergreen LLC owes the Town \$2,200 and New Leaf LLC owes the Town \$402,407.04. The Town has served notice to both Lowcountry Evergreen LLC and New Leaf LLC regarding the default and breach of the Development Agreement and maintains a lien on the property to protect the fees owed. (Continued)

Ordinance Terminating the Kent Estates Development Agreement – First Reading – Continued:

Earlier this year the Open Land Trust and Beaufort County approached Colony Bank, New Leaf LLC, and Lowcountry Evergreen LLC to discuss a possible purchase of approximately 111 acres of the Kent Estates Tract. The intent of the purchase is to preserve the property as open space, provide public access, and potential connectivity to the Okatie Regional Park that is located to the northeast of Kent Estates.

Additionally, Beaufort County will utilize Stormwater Utility Fees to assist in the purchase and construct stormwater management lagoons. These lagoons along with the preservation of the property in the critical headwaters area of the impaired Okatie River will work in an effort to improve the stormwater quality as it enters the Okatie River.

In order to protect the property from development in environmentally sensitive areas the following is proposed:

1. Open Land Trust and Beaufort County intend to subject the property to restrictions in use pursuant to the terms of the voter approved bond referendum language authorizing the borrowing of those funds.
2. In consideration of the Open Land Trust and Beaufort County purchase of the Property, Colony Bank will release its mortgage liens and relinquish any other interests in the property.
3. To facilitate the purchase by the Open Land Trust and Beaufort County and promote the preservation of property in the headwaters of the Okatie River, the Town will release the property, New Leaf LLC, and Lowcountry Evergreen LLC from the obligations of the Development Agreement and, with the consent of NHC, will take appropriate action to terminate the Development Agreement in its entirety upon closing of the property by the Open Land Trust and Beaufort County.
4. In consideration of terminating the Development Agreement, New Leaf LLC, Lowcountry Evergreen LLC, the Open Land Trust, and Beaufort County will transfer all remaining development rights to the Town of Bluffton Development Rights Bank (449 residential units and 50,000 square feet of non-residential floor area) upon closing of the property by the Open Land Trust and Beaufort County.
5. In consideration that no development rights will remain on the property after the closing and in order to provide appropriate zoning, the Town will consider rezoning the property from Planned Unit Development (PUD) District to Preserve (PR) District to be effective upon closing of the property by the Open Land Trust and Beaufort County. (Continued)

Ordinance Terminating the Kent Estates Development Agreement – First Reading – Continued:

6. NHC shall retain the PUD Zoning and all rights for development that currently exist on their property.
7. NHC, Colony Bank, New Leaf LLC, and Lowcountry Evergreen LLC will donate the right-of-way necessary for the SC170 widening that is currently pending condemnation by Beaufort County.

Lavery moved to have first reading on the Ordinance Terminating the Kent Estates Development Agreement. Huffman seconded. The motion carried unanimously.

Ordinance Approving a Zoning Map Amendment to Rezone Certain Property within Kent Estates Containing Approximately 111 acres Located on Okatie Highway (SC170) from Planned Unit Development (PUD) District to Preserve (PR) District – First Reading:

Kendra Lelie, Assistant Director of Growth Management, gave an overview.

On September 3, 2015, the Planning Commission held a public hearing to consider the application and provide a recommendation to Town Council for the First Reading of an Ordinance approving the zoning map amendment to rezone certain property within Kent Estates containing approximately 111 acres located on Okatie Highway (SC 170) from Planned Unit Development (PUD) District to Preserve (PR) and identified by Tax Map Numbers R617 029 000 0023 0000 and R617 029 000 0483 000.

On August 14, 2015, the UDO Administrator on behalf of the Town of Bluffton submitted an application requesting approval of a Zoning Map Amendment for 111 acres of land located on Okatie Highway (Route 170) within Kent Estates to be changed from Planned Unit Development (PUD) district to Preserve (PR) district.

On October 2004, New Leaf, LLC entered into a development agreement with the Town of Bluffton to develop approximately 130 acres on certain property known as Kent Estates PUD to include 453 dwelling units and 119,000 square feet of non-residential uses. New Leaf LLC conveyed 22.48 acres to Lowcountry Evergreen LLC in March 2006 and 19.61 acres to National HealthCare Corporation in April 2008. With the exception of the National HealthCare site, no development has occurred on the property.

(Continued)

Ordinance Approving a Zoning Map Amendment to Rezone Certain Property within Kent Estates Containing Approximately 111 acres Located on Okatie Highway (SC170) from Planned Unit Development (PUD) District to Preserve (PR) District – First Reading – Continued:

Representatives of New Leaf, LLC (owner of the central tract within Kent Estates) and Lowcountry Evergreen, LLC (owner of the northernmost tract in Kent Estates) have recently discussed with the Open Land Trust and Beaufort County the sale of their properties. The total purchase includes approximately 111 acres of the property known as Kent Estates PUD. The National HealthCare Corporation property is not involved in this transaction and will not be impacted by this Zoning Map Amendment application.

The future use of the property by the Open Land Trust to preserve the property as open space, provide public access, and potential connectivity to the Okatie Regional Park that is located to the northeast of Kent Estates.

Additionally, Beaufort County will utilize Stormwater Utility Fees to assist in the purchase and construct stormwater management lagoons. These lagoons along with the preservation of the property in the critical headwaters area of the impaired Okatie River will work in an effort to improve the stormwater quality as it enters the Okatie River.

Separately, as a result of this transaction and change in use, the Town, County, Open Land Trust, and property owners are requesting Town Council approval to terminate the Kent Estates Development Agreement and transfer the remaining development rights of 453 residential dwelling units and 50,000 square feet of commercial use to the Town of Bluffton Development Rights Bank upon the closing of the property. In consideration that no development rights will remain on the property and in order to provide an appropriate zoning, the Town will consider rezoning the property from Planned Unit Development (PUD) District to Preserve (PR) District to be effective upon closing of the property by the Open Land Trust and Beaufort County. This will both remove the development rights that exist on the property and limit the future use of the property to preservation. This is a significant reduction in the development rights in the critical area of the Okatie River headwaters.

Lavery moved to have first reading on the Ordinance Approving a Zoning Map Amendment to Rezone Certain Property within Kent Estates Containing Approximately 111 acres Located on Okatie Highway (SC170) from Planned Unit Development (PUD) District to Preserve (PR) District. Toomer seconded. The motion carried unanimously.

Consideration of a Modification Agreement between the Town of Bluffton and Beaufort County Regarding the Operations of Oyster Factory Park:

Shawn Leininger, Director of Growth Management, gave an overview. The Town of Bluffton and Beaufort County originally entered into an Agreement in 2004 that allowed for the joint use and shared expenses associated with Oyster Factory Park. As part of the 2015 Strategic Plan, Town Council established Oyster Factory Park Master Plan amendment and funding strategy as a top priority.

In this regard, the Strategic Plan Action Plan listed establishing a modified Agreement that clarified maintenance and ownership as a milestone activity. The completion of this action would thereby provide the Town more control of the park operations and improvements. The Modified Agreement transfers responsibilities and provisions for the management, maintenance, and improvements for the Oyster Factory Park from Beaufort County (County) to the Town of Bluffton (Town). These responsibilities and provisions include:

- Ownership of the Oyster Factory Park properties will remain as detailed in the table above.
- The Town will be the operator of Oyster Factory Park.
- The Town will provide maintenance for the Oyster Factory Park which streamlines efforts and reduces maintenance costs.
- The Town will assume the Lease Agreement with D & L Seafood Corporation, doing business as the Bluffton Oyster Factory, and will serve as landlord.
 - The Lease Agreement commenced on December 30, 2002 for a term of five years and allows for two additional terms of five years which results in an expiration date of December 29, 2027.
 - The Bluffton Oyster Factory's base rent is \$1.00 per year with the monthly rental amount of \$400.00 for September through April and \$200.00 per month for May through August.
 - The Bluffton Oyster Factory is responsible for operating costs per Section 5.1 of the Lease Agreement which includes premiums for any insurance whatsoever including loss or damage to the building in which it operates whether by fire or other hazard, general public liability and business interruption insurance.
- The Town will schedule, manage, and collect fees for Community Events with revenues being directed towards the Oyster Factory Park.
- The Town will be responsible for the prioritization and scope of Capital Improvement Projects for the Oyster Factory Park which allows for alignment of long term improvements.

Consideration of a Modification Agreement between the Town of Bluffton and Beaufort County Regarding the Operations of Oyster Factory Park - Continued:

- The County will continue to provide financial support of Capital Improvement Projects as their budget allows.
- The Town agrees to be the primary responsible party for any and all liability resulting from the use of Oyster Factory Park and will acquire the necessary insurance coverage.
- The Code of Ordinances for the Town of Bluffton will govern the use of the Oyster Factory Park and Community Events.

As a result of the execution of the Modified Agreement, Town and County Staffs will evaluate the current fees paid to the County and make any transfers deemed necessary. Additionally, Town Staff will su fee structure for rental use of the park. This fee structure will be based on current County fees and that of comparative communities in our region and State. Upon Town Council request, Town Staff will also outline existing park rules as they would be applied at the park and make any revisions deemed necessary.

Councilman Toomer recuses himself due to being the owner of D & L Seafood Corporation.

Huffman moved to approve the Modification Agreement between the Town of Bluffton and Beaufort County Regarding the Operations of Oyster Factory Park. Hamilton seconded. The vote was four in favor of the motion.

Consideration of an Agreement between the Town of Bluffton and Eagle's Field Regarding the Operations of Eagle's Field:

Shawn Leininger, Director of Growth Management, gave an overview. Eagles Field is approximately 14 acres in area and is identified as Parcel R610 031 000 0114 000 which is located at the southeast corner of Bluffton Parkway and Buck Island Road.

The Bluffton Eagles Community Action Committee was formed in 1993 to manage and maintain Eagles Field which was renamed Sam "Boise" Bennett Sports Complex in 2002. The Committee has expressed an interest in working with the Town in an effort to enhance and add value to the historical and cultural significance Eagles Field provides to the Bluffton community. Further this is one of very few open spaces available within the Buck Island Simmonsville neighborhood. As a result, the preservation and enhancement of this property is important component of the Buck Island Simmonsville Neighborhood Plan.

(Continued)

Consideration of an Agreement between the Town of Bluffton and Eagle's Field Regarding the Operations of Eagle's Field - Continued:

While a concept plan (attached) was prepared to identify improvements of the sports complex as part of the 2009 Buck Island Simmonsville Neighborhood Plan, the Committee has not had sufficient financial and administrative resources to implement the improvements. The Town has an interest in providing assistance to the Committee as evidenced by the identification of the Eagles Field upgrade as a high priority within the FY 16 Strategic Plan. The MOA details the provisions for the management, maintenance, and improvements for Eagles Field.

These responsibilities and provisions include:

- The Town will collaborate with the Committee for identified amendments to the Concept Plan.
- The Town will provide design and construction assistance for development plans of any improvements.
- The Town will provide monthly maintenance including mowing and trimming of the grass.
- The Town will provide access to the Town's lawn maintenance equipment upon request by the Committee and based on availability.
- The Town will provide assistance to the Committee in the historical research and possible listing of the property on the National Register of Historic Places.
- The Town will provide administrative assistance to the Committee for the coordination of required business filings per local, state and federal regulations, including seeking grants.
- The Town will assist the Committee in seeking grants from state and/or national government and/or private sources. The Committee will permit Town sponsored special events to be located on the property, such as but not limited to National Night Out.
- The Committee must provide the Town appropriate documentation of Committee's corporate and 501 (c) (3) status, and maintain such status through the lifetime of the Agreement
- Any changes to the Committee's organization management must be approved by the Town
- The Committee shall provide annual statement to the Town outlining financial activities, donations, etc.

(Continued)

Consideration of an Agreement between the Town of Bluffton and Eagle's Field Regarding the Operations of Eagle's Field – Continued:

- The Committee will acquire and maintain at all times during the term of the Agreement liability insurance at minimum coverage levels specified in the Agreement.
- The Committee will indemnify the Town.
- The Committee will permit public access for use of Eagles Field for active and passive recreational purposes, including use of the Eagles Field for Town sponsored special events such as but not limited to National Night Out.
- The Committee is responsible for the management of Eagles Field including, but not limited to, scheduling, repairs and payment of utilities such as sewer, water and electricity.
- If in the future the Town assumes any responsibility for public recreational facilities or program the Committee will cooperate with the Town in all relevant aspects.

The term of the agreement is for five (5) years with two (2) five (5) year automatic extensions and the agreement is based on annual funding. Either party has the ability to terminate the agreement at any time provided one month notice, in writing, is provided.

Huffman moved to approve the Agreement between the Town of Bluffton and Eagle's Field Regarding the Operations of Eagle's Field. Lavery seconded. The vote was four in favor of the motion. Hamilton abstained due to being Chairman of the Bluffton Eagles Community Action Committee.

Consent Agenda:

- a. Staff Reports: Police, Administration/Finance, Engineering/Public Works, Don Ryan Center for Innovation, and Growth Management.
- b. Town Manager's Monthly Report.
- c. Consideration of an Agreement Between the Town of Bluffton and Beaufort County Regarding the Operations of Calhoun Street Dock:

The Calhoun Street Dock is currently owned, operated, and maintained by Beaufort County. As part of the 2015 Strategic Plan, Town Council established as a top priority the execution of a long term management/ownership agreement with Beaufort County for the Calhoun Street Dock as a milestone activity.

(Continued)

c. Consideration of an Agreement Between the Town of Bluffton and Beaufort County Regarding the Operations of Calhoun Street Dock – Continued:

The completion of this action would thereby provide the Town more control of the dock operations and future improvements. The proposed Agreement transfers responsibilities and provisions for the management, maintenance, and future improvements for the Calhoun Street Dock from Beaufort County (County) to the Town of Bluffton (Town). These responsibilities and provisions include:

- The County will retain ownership of the Calhoun Street Dock.
- The Town will be the operator of the Calhoun Street Dock.
- The Town will provide maintenance for the Calhoun Street Dock which streamlines efforts and reduces maintenance costs.
- The Town will manage and collect fees, if applicable, for use of the Calhoun Street Dock with revenues being directed towards the dock.
- The Town will be responsible for the prioritization and scope of Capital Improvement Projects for the Calhoun Street Dock.
- The County will continue to provide financial support of Capital Improvement Projects as their budget allows.
- The Town agrees to be the primary responsible party for any and all liability resulting from the use of the Calhoun Street Dock and will acquire the necessary insurance coverage.
- The Code of Ordinances for the Town of Bluffton will govern the use of the Calhoun Street Dock.

As a result of the execution of the Agreement, Town and County Staffs will evaluate the current fees paid to the County and make any transfers deemed necessary. Additionally, Town Staff will submit to Town Council a proposed revision to the Master Fee Schedule that includes a recommended fee structure for rental use of the dock. This fee structure will be based on current County fees and that of comparative communities in our region and State. Upon Town Council request, Town Staff will also outline existing dock rules as they would be applied at the dock and make any revisions deemed necessary.

d. Consideration of an Amendment to the Oyster Factory Park Master Plan:

As part of the 2015 Strategic Plan, Town Council established the Oyster Factory Park Master Plan and Funding as a Top Priority. In this regard, the Action Plan listed establishing an updated Master Plan for the park as a milestone activity. The current Master Plan was prepared in 2008 and does not reflect the planned program for the park and its many components, such as the dock location, boat ramp widening, and overall park programming.

On July 21, 2015, Town Council reviewed during a quarterly workshop a draft amendment to the Oyster Factory Park. The amendments from the 2008 Master Plan included the following:

1. At the north end of the park along Bridge Street, the future community building is removed and the parking is expanded to meet current and future demands, adding 52 vehicle parking spaces, 26 vehicle and boat trailer spaces, and 12/6 flex spaces that can be used for either purpose. Currently there are 24 vehicle and boat trailer spaces. Additionally, it is recommended the invasive species be removed and filtered views be opened in the woods on the east side of Wharf Street.
2. The central area of the park is retained as open and event space.
 - a. The western side is more passive with the Garvin House and beautiful views from the bluff of the May River being preserved.
 - b. The eastern side is more active with the pavilion, oyster roast pit, and restrooms.
 - c. Potential expansion of the active area is shown to the north of the pavilion for a play area.
3. The southern area is the natural bluff, shell bank, boat ramp, dock, and the Bluffton Oyster Factory.
 - a. Expansion of the boat ramp to two lanes is shown as are improvements around the Bluffton Oyster Factory operations, including a bulkhead designed to stop the erosion that is occurring and a boardwalk to allow pedestrians access to the water's edge yet out of the way of the factory operations.
 - b. The courtesy dock is shown in the currently planned location adjacent to the boat ramp.
 - c. A future crabbing and fishing dock is shown to the east of the Oyster Factory Park.

(Continued)

d. Consideration of an Amendment to the Oyster Factory Park Master Plan - Continued:

4. A revised pedestrian connectivity plan has been created that extends from Bridge Street through the park, creating sensible walking loops that preserve lawn areas for flexible passive and active use.

Since the Town Council Workshop one change was made to the amended Master Plan. After continued discussions with representatives of the Bluffton Historical Preservation Society (BHPS), it was determined that it was in the best interests of the BHPS to remove the Colcock Teel property from the Master Plan. The BHPS continues to support the Oyster Factory Master Plan. Approval of the updated Oyster Factory Park Master Plan will allow Town Staff to move forward with the programmed FY16 improvements to the park. These include:

1. Widening of the boat ramp by 8 feet (total width will be 28 feet) to accommodate two lanes of boat launch and retrieval;
2. Installing a courtesy dock alongside the widened boat ramp;
3. Constructing an accessible sidewalk connection leading from the courtesy dock to the main parking area;
4. Expanding the existing parking lot on the west side of the park to accommodate additional vehicle and boat trailer parking; and,
5. Repairing the Garvin House roof and structurally stabilizing the building.

The construction schedule for these projects anticipates construction to begin in November and be complete in February.

e. Beaufort County Capital Project Sales Tax Commission Recommended Project List:

On April 27, 2015, Beaufort County Council adopted Resolution 2015/15 which, in part, calls for the establishment of a Beaufort County Capital Project Sales Tax Commission (Commission) in accordance with the South Carolina Code of Laws, Section 4-10-320. The Commission is tasked with considering proposals for funding capital projects within the county area. The Commission then formulates the referendum question that is to appear on the ballot for voter's consideration.
(Continued)

e. Beaufort County Capital Project Sales Tax Commission Recommended Project List - Continued:

Town Staff has prepared a proposed project list for Town Council's consideration based upon the Town's Strategic Plan, Comprehensive Plan and initiatives identified in the Town's Capital Improvement Project Program.

Town Council may prioritize the following proposed project list:

1. May River Watershed Action Plan (MRWAP) Implementation:
 - a. Buck Island Simmonsville and other neighborhoods Water/Sewer Installation; and
 - b. Other projects outlined in the MRWAP.
2. Heritage Tourism Infrastructure:
 - a. Oyster Factory Park Improvements;
 - b. Garvin House; and
 - c. Calhoun Street Dock Improvements
3. Sidewalks and Pathways (including lighting and signage):
 - a. Burnt Church Road (Bridge Street to Bluffton Parkway);
 - b. Bridge Street (Burnt Church Road to Calhoun Street);
 - c. Buck Island Road;
 - d. Simmonsville Road;
 - e. Goethe Road; and
 - f. May River Road.
4. Old Town Infrastructure:
 - a. Dr. Mellichamp Streetscape (parking, lighting, sidewalks).
 - b. Buckwalter Parkway Access Management/Circulation Improvements.
5. Encourage Beaufort County to earmark funds for park improvements such as MC Riley Sports Complex, Buckwalter Regional Park fields, etc.

Upon Town Council's approval of the project list, it will be forwarded to the Commission for consideration. Once all of the eligible entities have submitted their project lists, the Commission will proceed with preliminary reviews and narrow down the list of potential projects. Upon request, Town Staff will assist the Commission by providing any details, background, due diligence, cost projections, etc. which may be necessary to determine the final project list for the referendum.

Consent Agenda – Continued:

Huffman moved to accept the Consent Agenda as presented with the exception of Beaufort County Capital Project Sales Tax Commission Recommended Project List to see if Council agrees. Lavery seconded. The motion carried unanimously.

Marc Orlando, Town Manager, gave an overview of Beaufort County Capital Project Sales Tax Commission Recommended Project List.

Huffman moved to accept the Beaufort County Capital Project Sales Tax Commission Recommended Project List. Toomer seconded. The motion carried unanimously.

Public Comments:

There were none.

Executive Session:

- a. Contractual Matters Relating to Land Acquisition (Pursuant to SC FOIA Act Section 30-4-70(a)(2))
- b. Discussion of Negotiations Relating to Proposed Contractual Arrangements and Proposed Transfer of Property within Buckwalter Place and the proposed location and/or expansion of industries and businesses within the Town (Pursuant to SC FOIA Act Sections 30-4-70(a)(2) and 30-4-70(a)(5))
- c. Personnel Matters Relating to Town Manager’s Annual Performance Evaluation (Pursuant to SC FOIA Act Section 30-4-70(a)(1))

Huffman moved for Council to go into Executive Session to discuss the abovementioned items. Lavery seconded. The motion carried unanimously.

Council entered into Executive Session at 8:21 p.m.

Actions from the Result of Executive Session:

Mayor called the meeting back to order at 10:10 p.m. and announced no votes were taken.

Meeting adjourned at 10:10 p.m.

Mayor

Town Clerk