

BLUFFTON TOWN COUNCIL MEETING MINUTES  
FEBRUARY 10, 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, Deputy Town Manager Hodge, Director of Finance Freeman, Director of Growth Management Leininger, Director of Public Works/Engineering Jones, Human Resources Director Robinson, Don Ryan Center for Innovation Executive Director Nelems, Chief of Police Reynolds, and Town Attorney Finger were also in attendance.

Pledge of Allegiance and Invocation was given by Mayor Sulka.

Adoption of Agenda:

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

Adoption of Minutes:

a. Minutes of January 13, 2015 Regular Meeting:

**Huffman moved to adopt the minutes of January 13, 2015 as presented. Toomer seconded. The motion carried unanimously.**

b. Minutes of January 20, 2015 Quarterly Workshop:

**Huffman moved to adopt the minutes of January 20, 2015 as presented. Hamilton seconded. The motion carried unanimously.**

Communications from Mayor and Council:

**Huffman** recognized Ed Dupuis on his death. Dupuis and his also deceased wife were icons of the community due to their creation of the May River Theater.

**Mayor Sulka** stated that she and Council attended the Municipal Association of SC Hometown Legislature Action Day in Columbia. They met with Bluffton's Legislatures and sat in committee meetings. They have the best of intentions for Bluffton.

Presentations, Celebrations and Recognitions:

The following employees were recognized:

- Katie Peterson – Hired as Growth Management's Planning Assistant.
- Sam Connor – Welcomed back as Temporary Part-time Stormwater Engineer.
- Lance Puryear – Hired as Police Officer
- John DiFalcon – Recently appointed as the new Community Code Enforcement Officer

Public Comments:

**Erin Black**, Greater Bluffton Chamber of Commerce, presented Mayor Sulka a picture of her crowning Miss Bluffton's crowning. Miss Bluffton will be a contestant in the Miss South Carolina pageant in June. She thanked the Mayor for her participation.

**Joe Nehila**, 221 Callawassie Drive, Marketing Committee Chairman for the Greater Bluffton Chamber of Commerce, stated they were late in applying for ATAX funds for their "Taste of Bluffton" event. The Chamber was awarded less than they requested due to limited available ATAX funds. He requested Town Council to reconsider the funding amount recommended by the ATAX Advisory Committee.

**Brittney Barrow**, Manager of R Bar & Grill, Sheridan Park, stated she was opposed to the proposed 1:00 a.m. last call for alcohol. It will have a negative impact of businesses' revenues. Also, food & beverage workers need a place to go after hours. She recommended 2:00 a.m. for last call.

**Skip Hoagland**, 61 Sparwheel Lane, HHI, stated the HHI-Bluffton Chamber of Commerce refused to release detailed financial information on how they have spent ATAX Funds. He has called for an independent audit of the Chamber to make sure the public money they receive is being spent efficiently.

**John Buchanan**, 233 N. Orlando Avenue, Cocoa Beach, Florida, stated he is an expert on so-called convention & visitors bureaus, also known as "Destination Marketing Organizations". He is in agreement with Hoagland on when an independent audit is conducted; serious inefficiency, waste and outrageous extravagance are discovered.

**Margie Fox**, 2 State of Mind Street, requested Town Council to rethink parking lots because customers are driven away due to the lack of parking.

Public Hearing and Final Reading:

- a. Ordinance Amending Article 4 Zoning Districts and Article 9 Definitions of the Unified Development Ordinance Establishing Regulations to Conditionally Permit the Sale of Low Speed Recreational Vehicles in the Neighborhood Core – HD Zoning District:

Lelie stated the Applicant, Randolph Stewart, requests approval of an Ordinance amending Articles 4 and 9 of the Unified Development Ordinance establishing regulations to conditionally permit the sale of low speed recreational vehicles in the Neighborhood Core-HD (NC-HD) District.

The Applicant represents the Owner (RKG Holding LLC) of Lot 10 within the Promenade, who intends to submit applications for a Certificate of Appropriateness and a Final Development Plan to construct a structure that will house a business which sells golf carts and golf cart accessories.

(Continued)

Ordinance Amending Article 4 Zoning Districts and Article 9 Definitions of the Unified Development Ordinance Establishing Regulations to Conditionally Permit the Sale of Low Speed Recreational Vehicles in the Neighborhood Core – HD Zoning District – Public Hearing and Final Reading – Continued:

On December 17, 2014, Planning Commission held a public hearing on this item and recommended the proposed text amendment as a conditional use permitting only the sale of low speed recreational vehicles with the following conditions:

- All operations, including the display of low speed recreation vehicles, shall be conducted within a fully enclosed building.
- There shall be no repair or servicing of low speed recreational vehicles permitted.
- No low speed recreational vehicle that is for rent, lease, or is gas powered shall be made available on-site.
- There shall be a minimum distance of 500 feet between properties, measured from the nearest property lines that have the same low speed recreational sales use.
- Notice of applicable traffic laws and a map of legal streets of operation pertaining to low speed recreational vehicles must be provided to the customer during the transaction and copy of said laws and map provided with the low speed recreational vehicle. The customer shall sign an acknowledgement of receipt of the applicable traffic laws and map of legal streets of operation.

During the first reading of the proposed text amendment, Town Council voted to amend the ordinance to include outdoor display as a permitted use provided certain conditions are met including:

- The vehicles shall not be displayed more than 10 feet from the principal building; No more than 3 vehicles shall be displayed outside the principal building; and
- The vehicles shall not be displayed in any common or public area or within a parking space and/or lot.
- This amendment is consistent with the direction provided by the Planning Commission in the event Town Council decided to allow outside display.

Planning Commission finds that the requirements of Section 3.5.3 of the Unified Development Ordinance are met and recommends that Town Council approve the zoning text amendment as submitted.

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Ordinance Amending Article 4 Zoning Districts and Article 9 Definitions of the Unified Development Ordinance Establishing Regulations to Conditionally Permit the Sale of Low Speed Recreational Vehicles in the Neighborhood Core – HD Zoning District – Public Hearing and Final Reading – Continued:

While the Planning Commission did not approve the outside display of low speed recreational vehicles, as there was a split vote on the issue, they did request Town Council to provide the final decision on whether or not to permit the outdoor display of low speed recreational vehicles. Planning Commission requests that if Town Council decides to permit the outdoor display that the display not exceed three (3) vehicles a maximum of ten (10) feet from the principal building and not located in a commons or public area or in parking lots.

Concerns were voiced on the outdoor display having three (3) vehicles and instead having just one (1).

Mayor Sulka opened Public Hearing at 6:29 p.m.

Comments: There were none.

Public Hearing closed at 6:29 p.m.

**Hamilton moved to have final reading on Ordinance Amending Article 4 Zoning Districts and Article 9 Definitions of the Unified Development Ordinance Establishing Regulations to Conditionally Permit the Sale of Low Speed Recreational Vehicles in the Neighborhood Core – HD Zoning District and not to exceed three (3) vehicles. Toomer seconded. The motion was three in favor. Mayor Sulka and Lavery opposed.**

ATAX Advisory Committee Funding Recommendations for Quarter Ending December 31, 2014:

Freeman stated the total funds available for distribution was \$14,298. The Accommodations Tax Advisory Committee met on February 3, 2015 and has made the following recommendations for Council's consideration:

1. Farmers Market of Bluffton – Annual request of \$46,800: Committee recommended \$7,149. Committee also recommended for Applicant to resubmit for the balance on the next funding quarter.
2. The Greater Bluffton Chamber of Commerce – Taste of Bluffton – requested \$28,787: Committee recommended \$7,149.

**Lavery moved to accept the ATAX Advisory Committee's recommendations to grant Farmers Market of Bluffton \$7,149 and The Greater Bluffton Chamber of Commerce \$7,149. Hamilton seconded. The motion carried unanimously.**

FY 2015 Budget Amendment Ordinance Amending Carry Forward from Prior Year any Unspent LCOG Home Grant Funds – Final Reading:

Freeman stated the proposed ordinance will increase the General Fund to \$132,620 for the Neighborhood Assistance Program. In FY 2014, the General Fund received the LCOG Home Grant for the Neighborhood Assistance Program in the amount of \$142,620. The remaining funds to be budgeted in FY 2015 are \$132,620. There were no changes since first reading was held on January 13, 2015.

**Huffman moved to have final reading on the FY 2015 Budget Amendment Ordinance Amending Carry Forward from Prior Year any Unspent LCOG Home Grant Funds. Lavery seconded. The motion carried unanimously.**

Ordinance Amending Chapter 12, Environment of the Town Code Adopting New Chapter 12, Environment, Article IV Sewer Connection Ordinance – First Reading:

Lelie / Jones gave an overview. At the August 2014 Town Council meeting, Town Staff requested guidance from Town Council regarding the implementation of future sewer connectivity policies and regulations. Specifically, Town Council provided the following direction:

- Provide an ordinance that requires sewer connection for new development and failing septic systems;
- Make the exemptions to the required connections very clear;
- Work with Beaufort Jasper Water and Sewer Authority to clearly define the distance requirement and the timeframe for connection; and
- Work on a financing plan to encourage existing structures that are currently on septic to connect to sewer in the future.

In response to the comments received at the Town Council and Planning Commission meeting, Staff developed an amended draft ordinance for Planning Commission's review and consideration. A few key elements of the draft ordinance are as follows:

- Sewer connection is required for new development and for existing structures that have failing septic systems in accordance with BJWSA regulations;
- Deferrals from the required sewer connection are provided with approval from the Town Manager for economic reasons and other hardships; and
- A deferral is not permitted for any structure that has a failing septic system.

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Ordinance Amending Chapter 12 ,Environment of the Town Code Adopting New Chapter 12, Environment, Article IV Sewer Connection Ordinance – First Reading - Continued:

At the December 2014 and January 2015 Planning Commission meeting, Planning Commission members reviewed the draft Ordinance and requested the following amendments:

- Reduce the minimum improvement value requiring existing structures not serviced by public sewer facilities to connect to available public sewer facilities from 50% (Staff recommendation) to 25% of the market value of the structure and require the improvement cost to be cumulative over a period of 2 years;
- Include that a change of use requires connection to an available public sewer facility when the result is an increased water flow;
- Include that a subdivision application shall not be approved without requiring connection to public sewer facilities that are available as set forth in the Ordinance.

In 2006 the Old Town Master Plan acknowledged that there were still homes in the Old Town area that remained on septic systems and that, "The sewer should be expanded to service every structure in Old Town." Additionally, the May River Watershed Action Plan (MRWAP, 2011) identified failing septic systems as a potential contributor of pollution to the May River and recommended the Town prepare rules and regulations relating to sewer and septic. Most recently, drafting a sewer connection ordinance in critical areas with the Beaufort-Jasper Water & Sewer Authority (BJWSA) was identified by Town Council as a top policy priority in the Town of Bluffton 2014 Strategic Plan.

While there has been significant progress providing public sewer service to the Buck Island/Simmonsville Neighborhood, and planning is progressing for sewer improvements in the Jason Street neighborhood, there are lots within the Town that still utilize septic systems for wastewater disposal. Given the possibility of public health concerns and contamination of the Town's waterways from existing and future structures utilizing septic systems in the Town, staff evaluated the existing BJWSA sewer connectivity policy, South Carolina Department of Health and Environmental Control (DHEC) Onsite Wastewater Systems regulations, Town of Bluffton Unified Development Ordinance (UDO) and the City of Beaufort ordinance in order to provide further guidance on the development of future sewer connectivity policies appropriate for the Town of Bluffton.

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Ordinance Amending Chapter 12 ,Environment of the Town Code Adopting New Chapter 12, Environment, Article IV Sewer Connection Ordinance – First Reading - Continued:

Planning Commission recommends that the Town Council approve the Ordinance amending Chapter 12 Environment of the Town Code Adopting New Chapter 12 Environment, Article IV Sewer Connection Ordinance with the changes noted previously and as incorporated into the current Ordinance.

The Town does have funds to assist with sewer maintenance and sewer connections to those who qualify.

**Huffman moved to accept the Planning Commission recommendation and have first reading and Evoke the Pending Doctrine Ordinance on the Ordinance Amending Chapter 12, Environment of the Town Code Adopting New Chapter 12, Environment, Article IV Sewer Connection Ordinance. Toomer seconded. The motion carried unanimously.**

Ordinance Amending Article 4 Zoning Districts and Article 5 Design Standards of the Unified Development Ordinance to Allow Private Parking Lots as a Permitted Use and Increase the Off-Street Parking Requirements and Standards in the Old Town Bluffton Historic District – First Reading:

Lelie stated at the November 2014 Town Council Workshop meeting, Town Council discussed parking within the Old Town Bluffton Historic District. As a result of that discussion, Town Council directed Town Staff to revise the off-street parking standards, specifically to increase the amount of parking required to be provided on-site, allow for the provision of stand-alone private parking lots, and implement adequate design standards including landscaping and other elements to ensure parking lots will aesthetically blend into the Old Town streetscape.

As part of the Town Council Workshop, Town Staff presented initial findings regarding available parking within the Old Town Historic District study area which result from the ongoing Calhoun Street and Adjacent Area Study. Several key items from the survey of existing parking include the following:

- 1. Existing Public Parking.** There are a total of 622 existing publicly owned parking spaces serving the Old Town Bluffton Historic District.
- 2. Existing Private Parking.** There are currently 537 privately owned parking spaces at larger parking areas within Old Town of Bluffton.
- 3. Proximity of Total Parking.** In total, there are currently 851 public and private parking spaces available in the Old Town and located within a 5 minute walk of Calhoun Street and the Promenade.

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Ordinance Amending Article 4 Zoning Districts and Article 5 Design Standards of the Unified Development Ordinance to Allow Private Parking Lots as a Permitted Use and Increase the Off-Street Parking Requirements and Standards in the Old Town Bluffton Historic District – First Reading – Continued:

- 4. Parking Demand.** Build-out of Calhoun Street, north of Bridge Street, projects approximately 85,000 square feet of building area on Calhoun Street and approximately 195,000 square feet of building area in the Promenade. Application of a parking requirement of 1 or 2 spaces per 1,000 square feet results in a surplus of parking. There is a deficiency of 269 spaces when a more traditional, mixed use parking requirement of 4 spaces per 1,000 square feet is applied.
- 5. Identified Issues.** The existing parking conditions have led to challenges including:
  - Timing of parking congestion occurring in the evening hours;
  - Strain on available parking spaces from special events;
  - Employees using prime parking spaces;
  - Underutilized parking in private parking lots;
  - Lack of adequate connections to existing public parking lots;
  - Inadequate UDO parking requirements for development; and
  - Proliferation of uses requiring significant parking.

In response to the identified issues, the following solutions were recommended for consideration by Town Council:

- Implement streetscape improvements that have the potential to add an additional 171 on-street parking spaces;
- Encourage shared parking agreements between existing and proposed businesses;
- Implement time restrictions on prime parking spaces;
- Create adequate connections to public parking lots;
- Encourage private coordination for a shuttle service; and
- Increase the parking requirements per the UDO for development.

The proposed amendments that are the subject of this report are the result of this last bullet. At the direction of Town Council, Town Staff is proposing to increase the minimum parking provisions for new development, redevelopment or a change of use throughout Old Town. Although increased, these proposed standards are still reduced from more traditional parking requirements where public parking and walkability is not immediately available as it is in Old Town.

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Ordinance Amending Article 4 Zoning Districts and Article 5 Design Standards of the Unified Development Ordinance to Allow Private Parking Lots as a Permitted Use and Increase the Off-Street Parking Requirements and Standards in the Old Town Bluffton Historic District – First Reading – Continued:

In response to the comments received at the Town Council and Planning Commission meeting, Staff developed an amended draft ordinance for Town Council's review and consideration. A few key elements of the draft ordinance are as follows:

- Increased parking standards for new development, redevelopment and change of uses within the Old Town as found in the Comparison Table below;
- Permitted stand-alone parking lots and structures in the Old Town. Please note that in accordance with the Old Town Master Plan which states "Parking should not be placed on corner lots at key intersections"<sup>1</sup>, Staff, and ultimately with the recommendation of the Planning Commission, incorporated a section in the Ordinance that identified where stand-alone parking lots are not permitted; and
- Revised and clarified credit toward the parking requirement using on-street parking spaces located adjacent to the property being developed, redeveloped or incurring a change of use.

At the January 2015 Planning Commission meeting, Planning Commission members reviewed the draft ordinance and requested amendments to the ordinance which include the following:

- Revised the parking requirement for a school by eliminating the 1 space per 3 student parking requirement making the requirement 1 space per instructor;
- Revised the limitation on the placement of stand-alone parking lots at corner lots to apply only to Calhoun Street, May River Road, Bluffton, Bruin and Bridge Required that as determined by the Unified Development Ordinance Administrator, shared parking arrangements must be within a reasonable, accessible distance from the use for which the shared parking lot supports.
- It is the intent of these changes to provide a more balanced public and private approach to parking in the Old Town that is sustainable for the long term build-out.

Planning Commission finds that the requirements of Section 3.5.3 of the Unified Development Ordinance are met and recommends that the Town Council approve the text amendment application as recommended and revised by Staff.

**Lavery moved to have first reading on the Ordinance Amending Article 4 Zoning Districts and Article 5 Design Standards of the Unified Development Ordinance to Allow Private Parking Lots as a Permitted Use and Increase the Off-Street Parking Requirements and Standards in the Old Town Bluffton Hi Bluffton Historic District. Hamilton seconded. The motion carried unanimously.**

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Ordinance Repealing Section 18-60 Drinking Intoxicating Beverages in Public of the Town Code and Adopting New Chapter 18 General Offenses, Article IX Alcohol Possession, Consumption, and Sales – First Reading:

Chief Reynolds gave an overview. As a result of recent Town Council direction and Town Staff's on-going review of the regulations and requirements governing the community, Town Staff presented several Ordinances for Town Council consideration at the January 20, 2015 Town Council workshop. Among other items, this included an amendment to the current Ordinance regulating open containers and the sale, possession and consumption of alcoholic beverages within the jurisdictional limits of the Town. In general, this draft Ordinance amendment included the following:

- Provided definitions and an expressed purpose of the Ordinance for the guidance of the Town Police Department in enforcing the Ordinance.
- Prohibited the sale, possession, and consumption of alcoholic beverages between certain hours at Commercial Licensed Establishments allowing on-premise consumption.
- Prohibited the possession of an open container in any vehicle operating within the jurisdictional limits of the Town or parked on any Town-owned property or public place.
- Prohibited the possession of an open container on any Town-owned property or in any public place, unless a permit allowing the possession of an open container has been issued by the Town.
- Aligned Town Code with State Law.

After review of the draft Ordinance, Town Council directed Town Staff to establish the following time restrictions for the sale, possession, and consumption of alcoholic beverages at Commercial Licensed Establishments allowing on-premise consumption:

- The sale of alcoholic beverages be prohibited from 1:00a.m. – 6:00a.m.; and
- The possession and consumption of alcoholic beverages be prohibited from 2:00a.m. – 6:00a.m.

Town Staff has made these changes.

Currently there are no sale, possession, or consumption restrictions for beer and wine. However, State Law prohibits the sale, possession, and consumption of liquor after 2:00a.m.

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Ordinance Repealing Section 18-60 Drinking Intoxicating Beverages in Public of the Town Code and Adopting New Chapter 18 General Offenses, Article IX Alcohol Possession, Consumption, and Sales – First Reading – Continued:

The Town Attorney recently determined that the current Ordinance only regulated the consumption of alcoholic beverages and failed to provide any prohibitions on the sale or possession of alcoholic beverages on public property. These findings were shared with the Town Police Department, which expressed its concerns over the enforceability of the current Ordinance and its consistency with South Carolina state law. Additionally, unlike neighboring jurisdictions, including Hilton Head Island (3:00 a.m.), Jasper County (2:00 a.m.), and Hardeeville (2:00 a.m.), no time limitation currently restricts the sale of beer and wine within the Town of Bluffton. As a result, when restaurants and bars close in neighboring communities, customers often relocate to Bluffton to those restaurants and bars that are still open.

Together with the Town Attorney and based research of other communities' Ordinances, Town Staff drafted the proposed Ordinance. These changes, as proposed by Town Staff and recommended by Town Council at the recent Town Council Workshop, are necessary to ensure a clear, predictable, and enforceable Ordinance that is aligned with State Law is in effect in the Town of Bluffton.

The Town Attorney recently determined that the current Ordinance only regulated the consumption of alcoholic beverages and failed to provide any prohibitions on the sale or possession of alcoholic beverages on public property. These findings were shared with the Town Police Department, which expressed its concerns over the enforceability of the current Ordinance and its consistency with South Carolina state law. Additionally, unlike neighboring jurisdictions, including Hilton Head Island (3:00 a.m.), Jasper County (2:00 a.m.), and Hardeeville (2:00 a.m.), no time limitation currently restricts the sale of beer and wine within the Town of Bluffton. As a result, when restaurants and bars close in neighboring communities, customers often relocate to Bluffton to those restaurants and bars that are still open.

**Lavery moved to have first reading Ordinance Repealing Section 18-60 Drinking Intoxicating Beverages in Public of the Town Code and Adopting New Chapter 18 General Offenses, Article IX Alcohol Possession, Consumption, and Sales with having Last Call at 2:00 a.m. and Tables Cleared of Alcohol by 3:00 a.m. and also with the recommended revision of Sec. 18-98; (b) (5), fifth line – remove “permanently attached” and replace with “appertain” (to belong to or be connected). Hamilton seconded. The vote motion was four in favor. Huffman opposed.**

Ordinance Repealing Chapter 18 General Offenses, Article XI Disorderly or Nuisance Premise of the Town Code and Replacing with New Chapter 18 General Offenses, Article XI Community Safety Ordinance – First Reading:

Chief Reynolds stated as a result of recent Town Council direction and Town Staff's ongoing review of the regulations and requirements governing the community, Town Staff presented several Ordinances for Town Council consideration at the January 20, 2015 Town Council workshop. Among other items, this included an amendment to the current Nuisance Premises Ordinance in the Town of Bluffton. In general, this draft Ordinance amendment included the following:

- Provided definitions and an expressed purpose of the Ordinance for the guidance of the Town Police Department in enforcing the Ordinance.
- Made clear that property owners, managers, tenants, and others involved in the management of real property in the Town of Bluffton are responsible for activities that occur on the property.
- Established certain violations that affect the quality of life, safety, or welfare of the community as a nuisance and therefore constitute a community safety violation.
- Provided a clear process of notification that a community safety violation had occurred.
- In addition to fines and imprisonment, established that violations can be remedied by the revocation of any business license, civil action, and administrative injunction.

After review of the draft Ordinance, Town Council directed Town Staff insert the word "illegal" prior to the phrase "possession of weapons" in Section 18-234(a). Town Staff has made this change.

During the recent implementation of the current Ordinance, it was determined by Town Staff and the Town Attorney that the current Ordinance is vague and difficult to enforce. These changes, as proposed by Town Staff and recommended by Town Council at the recent Town Council Workshop, are necessary to ensure a clear, predictable, and enforceable Ordinance is in effect in the Town of Bluffton.

**Lavery moved to have first reading Ordinance Repealing Chapter 18 General Offenses, Article XI Disorderly or Nuisance Premise of the Town Code and Replacing with New Chapter 18 General Offenses, Article XI Community Safety Ordinance. Toomer seconded. The motion carried unanimously.**

Ordinance Amending Chapter 6 Businesses and Business Regulations, Article II Business Licenses and Regulations of the Town Code Establishing Provisions to Deny, Revoke, or Suspend Licenses of Businesses in Violation of Chapter 18 General Offenses, Article XI Community Safety Ordinance – First Reading:

Chief Reynolds gave an overview. As a result of recent Town Council direction and Town Staff's on-going review of the regulations and requirements governing the community, Town Staff presented several Ordinances for Town Council consideration at the January 20, 2015 Town Council workshop. Among other items, this included an amendment to the existing Business License Ordinance. In general, this draft Ordinance amendment included the following:

- Allowed for the suspension, revocation, and denial of business licenses for applicants charged with a community safety violation as set forth in the proposed Community Safety Ordinance.
- Clarified the due process procedures for suspending, revoking, denying, or appealing the administration of business licenses.

After review of the draft ordinance, Town Council, as suggested by the Town Attorney, directed Town Staff make the administration, denial, suspension, and revocation of business licenses purely an administrative function performed by the License Official. Appeals, if so desired by the applicant or Licensee, would be heard by Town Council in a quasi-judicial role. Currently, such matters as they relate to suspensions and revocations are automatically forwarded to Town Council. Town Staff has made this change.

During the recent implementation of the current Ordinance, it was determined by Town Staff and the Town Attorney that the current Ordinance was difficult to enforce in that a conviction of a nuisance premise was necessary to suspend or revoke a business license. As a result of a comprehensive rewrite of the Nuisance Premise Ordinance into the Community Safety Ordinance, these additional changes to the Business License Ordinance are necessary.

These changes, as proposed by Town Staff and recommended by Town Council at the recent Town Council Workshop, are necessary to ensure a predictable and enforceable Ordinance is in effect in the Town of Bluffton. Further, the changes to the appeal process are consistent with other communities in the state, particularly those in the upstate.

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Ordinance Amending Chapter 6 Businesses and Business Regulations, Article II Business Licenses and Regulations of the Town Code Establishing Provisions to Deny, Revoke, or Suspend Licenses of Businesses in Violation of Chapter 18 General Offenses, Article XI Community Safety Ordinance – First Reading – Continued:

**Huffman moved to have first reading on the Ordinance Amending Chapter 6 Businesses and Business Regulations, Article II Business Licenses and Regulations of the Town Code Establishing Provisions to Deny, Revoke, or Suspend Licenses of Businesses in Violation of Chapter 18 General Offenses, Article XI Community Safety Ordinance with the recommended insertion “To clarify and noticed prior to action”. Lavery seconded. The motion carried unanimously.**

Ordinance Amending Chapter 18 General Offenses, Article V Offenses Against Property of the Town Code Adopting New Section 18-119 Graffiti – First Reading:

Chief Reynolds gave an overview. As a result of recent Town Council direction and Town Staff’s on-going review of the regulations and requirements governing the community, Town Staff presented several Ordinances for Town Council consideration at the January 20, 2015 Town Council workshop. Among other items, this included a new Ordinance regulating graffiti as an offense against property in the Town of Bluffton. In general, this draft Ordinance amendment included the following:  
Held perpetrators of graffiti accountable for their actions.

- Encouraged property owners to remove graffiti from their property.
- Established a process in which the Town will assist property owners in the removal of graffiti from their property.
- Authorized the Town to remove graffiti from private property at the Town’s cost.
- Provided for the creation of a reward program for persons offering tips that result in the conviction of a perpetrator of graffiti.

After review of the draft ordinance, Town Council directed Town Staff to remove the proposed graffiti removal assistance from the Neighborhood Assistance Program and rather make the program a part of the larger Community Development Program. Town Staff has made this change.

The Town Code does not currently contain any provisions establishing graffiti as an offense holding perpetrators accountable or allowing for the Town to proactively remove graffiti from a property. Although graffiti is not currently a major issue in the community, the Police Department continues to see an increased amount of graffiti.

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Ordinance Amending Chapter 18 General Offenses, Article V Offenses Against Property of the Town Code Adopting New Section 18-119 Graffiti – First Reading – Continued:

This Ordinance will hold perpetrators accountable while supporting property owners that are victims of graffiti by putting in place mechanisms to assist with the removal of the graffiti by the Town of Bluffton.

**Huffman moved to have first reading on the Ordinance Amending Chapter 18 General Offenses, Article V Offenses Against Property of the Town Code Adopting New Section 18-119 Graffiti. Lavery seconded. The motion carried unanimously.**

Ordinance Amending Chapter 18 General Offenses, Article IV Offenses Against the Peace; Public Policy Adopting New Section 18-86 Interference with Public Duties – First Reading:

Chief Reynolds gave an overview. As a result of recent Town Council direction and Town Staff's on-going review of the regulations and requirements governing the community, Town Staff presented several ordinances for Town Council consideration at the January 20, 2015 Town Council workshop. Among other items, this included a new Ordinance prohibiting the interference of a public official in performing his/her public duties in the Town of Bluffton. In general, this draft ordinance amendment included the following:

- Established clear actions that constitute interfering with a public official performing duties acting in his/her official capacity.
- Made clear that such actions do not include the use of Free Speech.

After review of the draft ordinance, Town Council directed Town Staff to clarify the employees of the Town are those that are elected, appointed, and employed. Town Staff has made this change.

Although there are interference protections in the State Law for officials attempting to service or execute a legal writ or arrest, there are no such protections or official executing other duties, such as but not limited to, dispersing a crowd, investigating a crime scene, and other such official duties necessary to administer and enforce the laws of the Town and State. Although more descriptive in defining actions that constitute interference, this Ordinance is generally modeled after a similar Ordinance in the City of Beaufort.

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Ordinance Amending Chapter 18 General Offenses, Article IV Offenses Against the Peace; Public Policy Adopting New Section 18-86 Interference with Public Duties – First Reading – Continued:

These changes, as proposed by Town Staff and recommended by Town Council at the recent Town Council Workshop, are necessary to ensure that Town Officials have reasonable tools providing for their protection in exercising their official duties.

**Huffman moved to have first reading on the Ordinance Amending Chapter 18 General Offenses, Article IV Offenses Against the Peace; Public Policy Adopting New Section 18-86 Interference with Public Duties. Toomer seconded. The motion carried unanimously.**

Consent Agenda:

- a. Staff Reports: Police, Administrative/Finance, Engineering/Public Works, Don Ryan Center for Innovation, and Growth Management
- b. Town Manager's Report

**Lavery moved to accept the Consent Agenda as presented. Huffman seconded. The motion carried unanimously.**

Public Comments:

There were none.

Executive Session:

- a. Discussion on Negotiations Relating to Proposed Sale of Town-Owned Property (Pursuant to SC FOIA Act Section 30-4-70(a)(2))
- b. Legal Matters Update from Town Attorney (Pursuant to SC FOIA Act Section 30-4-70(a)(2))

**Huffman moved for Town Council to go into Executive Session for discussions on the abovementioned items. Lavery seconded. The motion carried unanimously.** Council entered into Executive Session at 8:00 p.m.

Actions from the Result of Executive Session:

Mayor Sulka called the meeting back to order at 8:39 p.m. and announced no votes were taken.

**Huffman moved to authorize the Town Manager to execute the proposed School District Municipal Building lease agreement amendment for the term to 12/31/2099. Lavery seconded. The motion carried unanimously.**

Meeting adjourned at 8:40 p.m.

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Mayor

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Town Clerk