

BLUFFTON TOWN COUNCIL MEETING MINUTES
JULY 14, 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, Major Manning, and Town Attorney Finger were also in attendance.

Pledge of Allegiance and Invocation was given by Mayor Sulka.

Adoption of Agenda:

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

Adoption of Minutes of June 9, 2015:

Huffman moved to adopt the minutes of June 9, 2015 as presented. Toomer seconded. The motion carried unanimously.

Presentations, Celebrations and Recognitions:

Presentation of a Certificate to the Town of Bluffton for their Participation in the United Way Campaign:

Amy Covington, United Way Bluffton Campaign Coordinator, presented Mayor Sulka with a plaque in recognition of the Town's participation.

Coastal Carolina Hospital Update:

Brad Talbert, CEO, gave an overview of Coastal Carolina Hospital's commitment to care; quality; growth; and to the community. He also stated they were a sponsor for the Don Ryan Center for Innovation's Inaugural Golf Tournament to be held on September 28th.

Mayor Sulka read the following proclamations:

- 1) Gullah/Geechee Nation Appreciation Week Proclamation which was accepted by Queen Quet, Chieftess of the Gullah/Geechee Nation.
- 2) National Night Out 2015 Proclamation which accepted by Major Manning. "The National Night Out" will be held on August 4th at the Law Enforcement Center.

Public Comments:

There were none.

Communications from Mayor and Town Council:

Mayor Sulka requested a "moment of silence" for Senator Clementa Pinckney and the eight other victims of the Emanuel AME Church's shooting.

Mayor Sulka stated the Heroes of the Lowcountry are a non-profit organization that was established in 2012. Their purpose is to assist African American and Hispanic students pay for their college education and finds jobs once they graduate. They identify students who meet certain academic criteria.

Councilman Huffman stated that the Bluffton Police Department is collecting school supplies at the Law Enforcement Center. He also stated there is a drop-off box at Bluffton BBQ.

May River Quarterly Update:

Jeremy Ritchie, Assistant Director of Engineering, gave a Pine Ridge Best Management Practice Update. Using funds from the second 319 Grant awarded to the Town and in cooperation with the Pine Ridge community, the Town expects to reduce fecal coliform loading within the Rose Dhu Creek watershed of the May River. The Town will install a reuse irrigation system within Pine Ridge that uses water from the community's lagoon network as the water source. Open space areas in and around Pine Ridge will be irrigated with water drawn from the lagoons, creating available storage for future rain events in the lagoons. The goal of the project is to retrofit the Pine Ridge lagoon network to meet the Town's current stormwater volume control ordinance. Pine Ridge was constructed prior to the current ordinance; therefore, this will be a restorative project as identified in the May River Watershed Action Plan. The design intent is for the 95th percentile rain event to be retained and infiltrated. If successful, rainfall events 1.95 inches and less should result in no stormwater discharge from the retrofitted lagoons.

The project is currently in the design phase and Town Staff is working with the consultant team to design and permit the system. To aid in the design and help the Town maximize the effectiveness of the system, infiltration tests were performed within and around the potential irrigation areas. The results of the infiltration tests were very positive and indicate that the proposed irrigation spaces have porous soils and a low water table. This will allow for higher application rates of irrigation water and alternate design options such as subsurface irrigation. Additionally, wetlands within the potential irrigation areas were found to be minimal and the system can be designed to avoid those locations. The current project schedule has the design package out for permitting in early August, and construction is planned to begin in December.

Approval of a Master Plan Amendment for Buckwalter Place:

Shawn Leininger, Director of Growth Management, stated that the BC Buckwalter, LLC (Blanchard & Calhoun Commercial) and the Town of Bluffton are proposing an amended Master Plan to program the undeveloped properties within Buckwalter Place and the May River Tech Park. This proposed shared Master Plan amends the overall plan for the remaining 52.17 acres of undeveloped property within Buckwalter Place as well as combines the May River Tech Park (22.41 acres) and Buckwalter Place Master Plans into a unified plan encompassing 79.38 upland acres for a total 105.18 acres. This allows for a shared vision and creates opportunities to share infrastructure and construction costs, thereby maximizing the public investment in the Town's Multi-County Industrial Park (MCIP). More specifically, this amendment provides the following framework enabling the immediate development of Buckwalter Place:

1. Continues an urban, mixed use development pattern of Buckwalter Place that incorporates residential, retail/commercial, office, and civic uses.
2. Creates pad ready sites for the Town's commerce park.
3. Incorporates a central public square that is fronted by residential, retail/commercial, and office uses which creates an amenity for Buckwalter Place.
4. Establishes a regional stormwater management system utilizing a series of best management practices which is shared among all users thereby eliminating the need for single site treatment systems.
5. Incorporates the stormwater management system into the overall open space and the existing greenway trail for Buckwalter Place by extending trails around the lagoons.
6. Enhances the Buckwalter Parkway frontage by continuing the lagoon system along the parkway and provides for the landscaping enhancement of this area.

The BPDC is involved as they are designated as the manager of the MCIP per the Intergovernmental Agreement Amendment dated September 10, 2013. As part of the MCIP, which provides for the collection of property tax dollars and their redistribution on eligible infrastructure projects supporting the development, the BPDC is tasked with managing MCIP revenues and the associated projects. To that end, the Town, BPDC, and BC Buckwalter, LLC are negotiating a Public-Private Partnership Agreement that specifically identifies how the public funds will be spent to support public infrastructure.
(Continued)

Approval of a Master Plan Amendment for Buckwalter Place – Continued:

It is important to note that these MCIP funds will only be used to develop infrastructure that supports the economic development efforts of the Town on the Town's property and not the private retail/commercial and residential components of the Master Plan.

BC Buckwalter, LLC, the Town of Bluffton, and the BPDC have jointly contracted with Thomas & Hutton Engineering to create the proposed amended Master Plan for Buckwalter Place. This amended Master Plan was reviewed by the BPDC Buckwalter Place MCIP Committee on April 1, 2015 and the BPDC Board of Directors on April 8, 2015. Upon the recommendation of the Committee, the Board of Directors adopted a resolution concurring with the proposed Buckwalter Place Master Plan Amendment. Additionally, the Planning Commission reviewed the proposed Master Plan Amendment on June 24, 2015, and recommended Town Council approval of the request.

The Planning Commission finds that the requirements of Section 3.9.3 of the Unified Development Ordinance are met and recommends that Town Council approve the Buckwalter Place Master Plan Amendment and as a result repeal the May River Tech Park Master Plan as it is fully adopted within this amended plan.

Huffman moved to approve the Buckwalter Place Master Plan Amendment and as a result repeal the May River Tech Park Master Plan as it is fully adopted within this amended plan. Lavery seconded. The motion carried unanimously.

Ordinance Approving a Zoning Map Amendment to Establish an Agriculture (AG) District Zoning for Certain Property Containing Approximately 18.79 Acres Located on JC's Cove – First Reading:

Kendra Lelie, Assistant Director to Growth Management, stated that the Applicant requests a zoning map amendment which designates the tract as an Agriculture (AG) district permitting the Applicant to subdivide Lot 4 into four (4) lots for residential use and utilize Lot 3, which fronts on May River Road, for common open space to include a building associated with the storage and/or recreation use for the homeowners of the development. Public sewer and water are proposed to service the existing and proposed lots. If annexed Lot 3 would be subject to the architecture, landscaping, and lighting standards of the Highway Corridor Overlay District.

(Continued)

Ordinance Approving a Zoning Map Amendment to Establish an Agriculture (AG) District Zoning for Certain Property Containing Approximately 18.79 Acres Located on JC's Cove – First Reading – Continued:

An annexation petition and zoning map amendment application were received from the Applicant for four (4) parcels of land located at JC's Cove Road and further described on the Beaufort County Tax Map as the following:

- R600-039-000-1129-0000 (Lot 3): 1.53 acres owned by CBM Realty, LLC
- R600-039-000-031D-0000 (Lot 4): 13.26 acres owned by CBM Realty, LLC
- R600-039-000-1128-0000 (Lot 2): 1.0 acre owned by Randall & Brenda Jeffcoat
- R600-039-000-0847-0000 (Lot A): 3.0 acres owned by James & Cynthia Saba

Parcels A and 2 each contain an existing single-family detached dwelling unit. Parcels 3 and 4 are vacant. With the exception of Lot 3, all lots have riverfront access to the May River. The overall tract is moderately wooded with approximately 1.28 acres of isolated wetlands and 1.28 acres of marsh land.

Surrounding land uses include a cemetery to the northwest, mixed commercial use to the north, low density residential to the east, the May River to the southwest and vacant land to the west.

As noted in the application materials, the Applicant has attempted to accomplish a similar subdivision through Beaufort County in July 2010. A three (3) lot subdivision of Lot 4 was submitted for concept review at which time Beaufort County was in the process of implementing a new more restrictive zoning district for the parcels along the May River. The May River Community Preservation (MRCP) ordinance went into effect in September 2010. In March 2012, the same subdivision plan was submitted but the new MRCP zoning did not permit a three (3) lot subdivision of Lot 4. The applicant is restricted to a subdivision of two (2) lots for Lot 4 under the current County zoning designation.

Current Zoning. The subject tract is located within unincorporated Beaufort County and is currently zoned MRCP under the Beaufort County Zoning and Development Standards Ordinance (ZDSO). The adjacent properties to the east and west are also located in the MRCP district. The property to the north across May River Road is located in the Neighborhood Core (NC) district per the Town of Bluffton Zoning Ordinance. As stated in Division A.13 "May River Community Preservation District", Section A.13.10 of the ZDSO, the purpose of the MRCP district is intended to promote low intensity rural development patterns comprised primarily of residential uses while encouraging and allowing more urban development to locate outside the district at either end of the corridor.

(Continued)

Ordinance Approving a Zoning Map Amendment to Establish an Agriculture (AG) District Zoning for Certain Property Containing Approximately 18.79 Acres Located on JC's Cove – First Reading – Continued:

The subject parcel is located in a future land use designated as low density residential which describes the purpose of the area to maintain the existing rural character and decrease environmental and traffic impacts. The low density residential land use includes estates and family compounds which range in density from one unit per three acres to one unit per acre.

Proposed Zoning. The applicant is proposing to subdivide Lot 4 into four (4) residential lots for a total of six (6) residential lots and designate Lot 3 (with frontage on May River Road) as common open space. The proposed Agricultural zoning district will limit the allowed development intensity to the Applicant's intended use and development pattern provided certain deed restrictions are placed on the property.

Deed Restrictions: Based on requirements from the Town Council at the August 12, 2014 and May 12, 2015 meetings and from the Planning Commission at the May 27, 2015 workshop meeting and June 24, 2015 public hearing, the following outline of deed restrictions is provided for Planning Commission's approval and recommendation to Council:

1. Density restrictions. Density does not exceed 0.32 units per acre or a total of six (6) residential units. The lots shall be developed in accordance with the applicable zoning standards for the Agricultural Zoning District or future zoning designation.
2. Sewer/Water Connectivity. Mr. Saba will be required to connect the existing residential units and the proposed development to adequate public sewer and water service. BJWSA's installation of water and sewer must be installed to the existing two (2) structures with availability to the future dwelling units prior to the issuance of the subdivision approval and any building permits for new residential dwelling units. Additional septic systems are not permitted on the property.
3. OCRM Setback Protection. Protection of the OCRM Critical Line setback (100 feet) along the May River through conservation easements in addition to standard zoning setbacks (Agricultural District) will be required as part of the open space requirement. The placement of the conservation easement over the OCRM Critical Line setback provides an added layer of protection of this environmentally sensitive area to ensure it is protected from future variance requests.

(Continued)

Ordinance Approving a Zoning Map Amendment to Establish an Agriculture (AG) District Zoning for Certain Property Containing Approximately 18.79 Acres Located on JC's Cove – First Reading – Continued:

4. Cemetery Conservation Easement. Establishment of a Conservation Easement from the May River Road cemetery that is adjacent to the property will be required in order to provide an adequate buffer between a residential and institutional use. The conservation easement shall be a minimum of fifty (50) feet and shall be designed in accordance with UDO Section 5.2.3.A.
5. Stormwater Management. Each lot (including the existing residences) shall meet or exceed the Town's stormwater regulations in accordance with UDO Section 5.10. At the May 12, 2015 TC Meeting, Mr. Jim Scheider (Mr. Saba's attorney) indicated the applicant would review every report regarding water quality for the May River and other local waterways completed by the Town and DHEC to ensure that the safeguards are placed to prevent stormwater run-off into the May River, including a series of containments designed by Mr. Saba's engineer. Mr. Scheider also indicated there will not be a commercial building located on Mr. Saba's property specifically along Route 46.

These deed restrictions can only be modified by approval of Town Council and will be a condition of the annexation to be filed on the property within 30 days of any annexation approval by Town Council.

The Planning Commission finds that the requirements of Section 3.4.3 of the Unified Development Ordinance are met and recommends that Town Council approve the first reading for the Zoning Map Amendment request.

Final readings on the JC's Cove zoning map amendment and the annexation petition are proposed for the August 11th's Town Council meeting.

Huffman moved to have first reading on the Ordinance Approving a Zoning Map Amendment to Establish an Agriculture (AG) District Zoning for Certain Property Containing Approximately 18.79 Acres Located on JC's Cove. Toomer seconded. The motion was four in favor. Hamilton opposed.

Consent Agenda:

- a. Staff Reports: Police, Administration/Finance, Engineering/Public Works, Don Ryan Center for Innovation, and Growth Management.
- b. Town Manager's Report.
- c. Resolution of Intent to Reimburse Expenditures Prior to Issuance of Installment Financing Agreement:

The resolution is recommended to allow reimbursement of capital expenditures prior to entering into a Financing Agreement in an effort to alleviate timing issues that can ultimately occur between departments with regards to obtaining quotes, receiving equipment, and placing the equipment in service. The Town anticipates purchasing eight police vehicles, and an F-450 dump truck, F-250 pickup truck and a tractor/ditch mower for the Public Works Department.

Huffman moved to accept the Consent Agenda as presented with the exception of the Police Report. Hamilton seconded. The motion carried unanimously.

Major Manning gave an overview of the Police Report.

Public Comments:

There were none.

Executive Session:

- a. Personnel Matters Relating to Boards, Committees and Commissions (Pursuant to FOIA Act Section 30-4-70(a)(1))
- b. Contractual Matters Relating to Land Acquisition (Pursuant to FOIA Act Section 3-4-70(a)(2))
- c. Discussion and Legal Advice from Town Attorney on Matter Related to Davis Road Right-of-Way (Pursuant to FOIA Act Section 3-4-70(a)(2))
- d. Discussion and Legal Advice from Town Attorney on Matters Related to the Kent Estates Development Agreement (Pursuant to SC FOIA Act Section 30-4-70(a)(2))
- e. Discussion of Negotiations Relating to Proposed Contractual Arrangements and Proposed Transfer of Property within Buckwalter Place (Pursuant to SC FOIA Act Section 30-4-70(a)(2))

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

Council entered into Executive Session at 7:51 p.m.

Actions from the Result of Executive Session:

Mayor Sulka called the meeting back to order at 9:21 p.m. and announced no votes were taken.

Huffman moved to authorize the Town Manager to execute a public/private development contract with Blanchard and Calhoun Commercial within Buckwalter Place. Lavery seconded. The motion carried unanimously.

The meeting adjourned at 9:22 p.m.

Mayor

Town Clerk