

BLUFFTON TOWN COUNCIL MEETING MINUTES
AUGUST 9, 2016

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

Pledge of Allegiance and Invocation was given by Councilman Hamilton.

Adoption of Agenda:

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

Adoption of Minutes:

- a. Minutes of Regular Town Council Meeting of July 12, 2016:
Toomer moved to adopt the minutes of July 12, 2016 as presented. Lutz seconded. The motion carried unanimously.
- b. Minutes of Town Council Quarterly Workshop of July 19, 2016:
Hamilton moved to adopt the minutes of July 19, 2016 as presented. Toomer seconded. The motion carried unanimously.

Presentations, Celebrations and Recognitions:

Mayor Sulka recognized the following:

- Makenzie Stubbs as the Bluffton School District Character Education Student for the Month of May. Makenzie is a first grade student from Pritchardville Elementary. The Character Trait for May is responsibility and cooperation.
- Town of Bluffton Finance Department on Receiving an Award for the Certificate of Achievement for Excellence in Financial Reporting (CAFR) for the eighth consecutive year and an Award for the Popular Annual Financial Report (PAFR) for FY 2015 for the fifth consecutive year.

Mobile Vending Ordinance Review and Direction:

Kevin Icard, Planning & Community Development Manager requested direction for Town staff on whether the Town should consider revisions to the current Mobile Vending Ordinance as outlined. This is one of the strategic initiatives of the Town's Strategic Action Plan 2017-18. The goal is to ensure that the current Mobile Vendor Ordinance is meeting the needs of the Town and is following a best practice model for users and staff.

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Mobile Vending Ordinance Review and Direction - Continued:

Staff is currently researching other communities in the region on what their standards are for allowing mobile vendors – (including Food Trucks & Carts). Attachment #1 provides an overview of the Town’s current checklist for a Mobile Food Truck (Article III. Soliciting – Section 6-75 through 6-77) which includes the following forms and approvals from other agencies:

- Business License Application
- Authorization form for Solicitation
- Background Check Authorization Form
- SC Retail License
- DHEC Permit Inspection Report
- Landowners written approval
- Copy of Liability Insurance
- Map of site where truck will be set up
- Picture of site setup

Business license requirements for Ice Cream Trucks (Section 6-75 through 6-77) and Non-Motorized Vendors (Section 7-71 through 7-82):

Ice Cream Truck:

- New Business License Application
- Home Occupation (if applicant lives in the Town limits)
- Background Check
- DHEC Certification
- Copy of Vehicle Insurance
- Pictures of Vehicle (all four sides)
- Signed copy of Town of Bluffton Ordinance 2014-13 Section 6-75 through 6-77 by applicant

Non-Motorized Vendor:

- New Business License Application
- Home Occupation Application (if Applicant lives in the Town limits)
- Copy of Valid Driver’s license of Applicant and all employees
- Copy of Vehicle Insurance (minimum coverage \$100,000 bpdliy injury one person and \$300,000 for more than one person in sane accident & \$25,000 for property damage)
- Picture of Vehicle
- Certificate of completion of a Bluffton History Class (Heyward House)
- Tour route pre-approved by the Chief of Police of Bluffton
- Signed copy of Town of Bluffton Ordinance 2014-13 Section 7-71 through 7-82 by applicant

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Mobile Vending Ordinance Review and Direction - Continued:

Changes to the current ordinance?

Staff Generated Questions to Consider:

- Currently, per Section 6-77-b.5 of the Town's code, there are three types of products that can be sold via a mobile vendor; **Type A** Prepared Food, **Type B** Agricultural/Seafood Products, & **Type C** Ice Cream. Does Town Council want staff to include any other types of mobile vendors?
- If yes, this could include retail uses (clothing), publications, mobile vending machines (snacks, sodas), etc.

Should we allow food trucks or carts on public property?

If yes – what are the provisions, i.e. Special Events (festivals, parades, etc.)?

- Written consent from property owner
- Where on the property (paved surface or grass)
- Signage requirements
- Should extra parking be provided to accommodate patrons
- Which zoning districts would they be permitted?

If we expand the current ordinance to allow motorized food trucks, do we limit the number of permits or limit the distance from the front door of legal establishments?

If yes – what is an appropriate amount of permits to be issued at any one time, what is a sufficient distance from legal establishments 200 feet, 300 feet, etc.

Should staff research and determine if a Food Truck Overlay Zone should be designated?

If yes – where are some appropriate locations?

Public Comments on Mobile Vendors:

Ted Huffman, 11 State of Mind, owner Bluffton BBQ, stated he opposed allowing food truck in the historic district because it would affect the livelihood of him and 100 other resrestaurant owners. Vendors need to have a single location. Established businesses should have a say because of paying taxes and fees.

Charles Francis, 1103 Boundary Street, Beaufort, owner of a food truck, agrees that there will be competition but vendors would not set up in front of established businesses. Vendors and established businesses can coexist. Vendors also pay taxes and fees.

Amber Bryson, 5 Gumtree Road, Apt. 211, Hilton Head Island, owner of a food truck, wants an opportunity to work with Town Council, Staff, and Town Manager for a happy conclusion.

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Public Comments on Mobile Vendors - Continued:

Margie Fox, 2 State of Mind, stated a mobile vendor can be anything. Established businesses have more expenses than mobile vendors. She does not oppose them but they need to have a proper location.

Bridgette Frazier, 15 Guerrard Avenue, stated there seem to be a lot of fear of the unknown. Everyone can work toward a solution because all should have an opportunity and food trucks cannot be stopped. The current ordinance is unfair.

Carolyn Coppola, 8 Haviland Street, stated the Old Town has shown their commitment with charming businesses. Allowing mobile vendors is a disservice to the Old Town businesses and consider long-term effects. Bluffton is special.

Town Council was in concensus for staff to meet and receive input from mobile vendors and established businesses on pros and cons of allowing mobile vendors in the Town and for solutions on locations and distance arrangements.

May River Road Streetscape Project Update:

Scott Marshall, Deputy Town Manager gave an overview the July Updates:

- Received second round of comments regarding our Encroachment Permit and have responded to SCDOT.
- 38 Total easements needed
 - All owners contacted; most are amenable:
 - 28 - Easements have been signed.
 - 8 – Have agreed in principle, will sign.
 - 2 – Owner has issues; negotiations are in progress.
- Construction bids received on July 18, with Town Council approval on July 19 to proceed with contract negotiation.
- J.K. Tiller Associates finalized preliminary landscape/hardscape design.
- Project roadway schedule and costs will be refined after construction contract

Next Steps:

- Meeting scheduled for August 10 for review of landscape plans with invested owners and residents.
- Meeting scheduled with SCDOT District 6 Supervisor, Robert Clark, on August 10 to discuss the way forward with regard to review comments, design exceptions, detention issues, sight distance triangles and other areas of concern. Attending will be the Town Manager, Deputy Town Manager, Project Manager John Hutchinson and representatives from Thomas & Hutton.

Beaufort County Library Strategic Planning Process:

Deborah Johnson, Chair, Strategic Planning Committee, requested Town Council's input on the following Library Strategic Planning Focus Group Questions:

- If Beaufort County had no public libraries and you were going to create a public library system here and now and for the future, what would be some of the most important things you would like to see/incorporate/implement etc.? (top 3-5)
 - Inviting, centrally located, ask community.
- What role do you think the library plays in the community?
 - Learning/enrichment center, opportunities for kids, gathering place, programs.
- What might the library do to better serve your (or your jurisdiction's) needs and encourage you (or others) to use the library more?
 - Increase hours, more virtual
- What will you (or your jurisdiction) need from the library in the next 5 years?
 - More technology instruction/courses.
- Are there aspects of the Beaufort County libraries that you feel are outdated?
 - Innovative?
 - Core/Essential?
 - Unnecessary?
 - Poor Use of Funds?
 - Amazing?
- Is there anything else you'd like to share or suggestions you have about the library to help the trustees & staff plan for the future of the library service in Beaufort County?
 - Receive more funding, focus on kids.
- *Back-up Question:*
Are there aspects of other libraries you have used that you wish Beaufort County libraries had? What are they?
 - Partner with the Heyward House's archives, theme months on travel, animals, etc., be more creative, access to internet.

Public Comments:

Doug Hancock, 38 Boundary Street, stated his concerns on the following: Loud music in vehicles, night time activity in Dubois Park – turn lights off when park is closed, vehicles backed into parking spaces where police cannot see their license plates, parking that blocks sidewalks, and Oyster Factory boat ramp usage is sometimes unlawful with improper backing up of a trailer.

Matt Jording, stated he endorsed the bike taxi because it is a creative solution for parking issues. He requested Council to extend the hours of operation beyond 10:00 p.m. to accommodate customers and employees.

Trey Snow, 43 Lakeside Drive, owner of Bluffton Bike taxi, stated the bike taxi fits Bluffton and will be successful. But the current hours can handicap businesses. He requested Council to extend the hours of operation beyond 10:00 p.m.

Patricia Felton-Mongomery, 1 New Castle Lane, is a candidate for District 6, Beaufort County Board of Education and requested everyone's vote on November 8th.

George Haslam, 16 Pin Oak Street, stated his concerns on the following: Golf carts having no lights at night, Sunshine Party event held at the Oyster Factory Park will not permit individuals to go to boat ramp without paying their entry fee, and bad behavior on the May River.

Mary O'Neill, 32 Spartina Crescent, representing the Bluffton Rotary Club, who is working on an international project to bring clean water to the community of Miramar, Peru. They received \$50,000 from Rotary International to help fund the project. The Bluffton Rotary Club is responsible for the remaining \$11,700. They are hosting a "Walk for Water" to raise money for this project on September 24th at the Bluffton Oyster Factory Park. You can walk individually or form a team. Please contact the Bluffton Rotary Club for more information and registration.

Communications from Mayor and Council:

Toomer requested Trey Snow to research other entities for bike taxi operating hours.

Lutz thanked the Police Department and everyone who participated in the "National Night Out". It was a great success.

Mayor Sulka stated the principal of River Ridge Academy will have 16 teachers participating in the "Call of Action" showing acts of kindness in our community on August 12th.

Consideration on an Amendment to The Town of Bluffton Municipal Code, Chapter 22, Streets, Sidewalks and Other Public Property, Article 5, Bluffton Dock, Section 22, for the Purpose of Amending the Section to be Inclusive of Rules to Bluffton to Accommodate Safe Operations of all Docks under the Jurisdiction of the Town of Bluffton – Final Reading:

Scott Marshall, Deputy Town Manager gave an overview.

Highlights of Ordinance (as amended):

General Prohibitions:

- No fires allowed on Town docks, landings, or piers.
- No overnight camping.

Dock Rules

- A vessel shall not be allowed to dock at any one facility for more than three cumulative hours in a 24-hour period. Exceptions to this rule may be granted by the Town Manager on a case-by-case basis.
- Town Manager is authorized to post signs limiting the time to three hours during which a vessel may be docked or gear may be placed at or on any Town dock. When the loading or unloading operation is complete, the vessel shall move to the extreme end of the main dock. May not obstruct any pier, dock, wharf, boat ramp, or the access area to the facilities.
- Emergency vehicles shall have priority over all other vehicles.
- No motor vehicles on docks.
- Any exception to these rules and regulations shall be decided by the Town Manager.
- No littering of the dock area shall be permitted.

Landing Rules

- Vehicles ready to recover vessels or watercraft have preference over those ready to launch, the order being on a first-come basis.
- May not obstruct any pier, dock, wharf, boat ramp or the access areas to the facilities.
- Any vessel, vehicle or other object which obstructs any of the facilities or the access to them may be removed.
- Town Manager is empowered to remove any watercraft, vessel, or vehicle that has been abandoned (unattended for more than 24 hours).

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Consideration on an Amendment to The Town of Bluffton Municipal Code, Chapter 22, Streets, Sidewalks and Other Public Property, Article 5, Bluffton Dock, Section 22, for the Purpose of Amending the Section to be Inclusive of Rules to Bluffton to Accommodate Safe Operations of all Docks under the Jurisdiction of the Town of Bluffton – Final Reading – Continued:

- Oystermen, crabbers, other commercial fishermen, and other commercial users may use the Town's public landings where permitted to launch and unload their boats. However, they must manage their launching and unloading operations so that whenever another citizen needs to use the landing to get into or out of the water, the other citizen will have no longer than a 15-minute wait for the commercial vehicles and boats to clear space on the landing.
- The use of access ways and public boat landings shall be for placement in the water and the retrieving of boats from the water.
- Unlawful to park, stop, or leave standing, whether attended or unattended, any vehicle, obstruction, or watercraft in or on any public boat landing:
 - That is blocking, obstructing, or limiting the use of dock or access area;
 - For any purpose not related to public access for fishing and boating, loading and unloading boating passengers, supplies, boats and boating gear, or other similar purposes; or
 - Contrary to any posted notice prohibiting parking in a given area.
- Under no circumstance shall any vehicle be parked at a public boat landing for more than 24 consecutive hours without express permission from the Town Manager.
- Fishing is allowed at public boat landings as long as it does not interfere with boaters.

Penalties

- Any person violating any section of the ordinance is guilty of a misdemeanor and, upon conviction thereof, shall pay such penalties as the court may decide, not to exceed \$200.00 or not to exceed 30 days' imprisonment for each violation.
- Each day during which such conduct shall continue shall constitute a separate violation which shall subject the offender to liability prescribed in this section.

The language that has been added was modeled after the Beaufort County Ordinance on boat landings and docks. Also taken into consideration was SC Code of Laws Title 50, Chapter 21, Section 148, a copy of which is attached to this report.

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Consideration on an Amendment to The Town of Bluffton Municipal Code, Chapter 22, Streets, Sidewalks and Other Public Property, Article 5, Bluffton Dock, Section 22, for the Purpose of Amending the Section to be Inclusive of Rules to Bluffton to Accommodate Safe Operations of all Docks under the Jurisdiction of the Town of Bluffton – Final Reading – Continued:

Comments from Town Council during first reading at the July meeting regarding length of time a vessel is allowed to dock, prioritization of boat ramp use and penalties were all considered when drafting the amended ordinance for second reading. Length of time a vessel is allowed to dock was changed from four hours to three hours within a 24-hour period. Additionally, the time period before a vessel may be considered abandoned was reduced from 48 hours to 24 hours. Language in the amended ordinance is clear regarding general recreational use of the facility taking priority over commercial use.

Lastly, the request for escalating penalties was considered, but was not incorporated. Specifying the escalation of penalties would be uncharacteristic of a misdemeanor associated with this ordinance. Violations of the ordinance may result in multiple infractions/penalties, as warranted. Additionally, the Town reserves the right to restrict use of the facility to habitual violators through issuance of a no trespass order.

Attached are several documents. Attachment 1 is the Ordinance for consideration, with Exhibit "A," the proposed ordinance as amended. Attachment 2 is the existing ordinance. Attachment 3 is a copy of SC Code of Laws, §50-21-148.

Wood moved to have final reading on an Amendment to The Town of Bluffton Municipal Code, Chapter 22, Streets, Sidewalks and Other Public Property, Article 5, Bluffton Dock, Section 22, for the Purpose of Amending the Section to be Inclusive of Rules to Bluffton to Accommodate Safe Operations of all Docks under the Jurisdiction of the Town of Bluffton with the addition of "No Skateboarding on Docks". Lutz seconded. The motion carried unanimously.

Consideration of a Resolution Amending the Town of Bluffton Neighborhood Assistance Program Policy:

Brad Mole, Community-Business Development Coordinator, stated the Affordable Housing Committee recommends Town Council approve a Resolution amending the Town of Bluffton Neighborhood Assistance Program Policy.

At their meeting on June 7, 2016, the Affordable Housing Committee recommended Town Council approve the following amendments to the Neighborhood Assistance Policy as follows:

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Consideration of a Resolution Amending the Town of Bluffton Neighborhood Assistance Program Policy – Continued:

1. Amend the Eligibility portion of the Neighborhood Assistance Program. One requirement currently states the program is available for qualified owners of residential properties within the Town of Bluffton. If approved, the statement would read the program is available for qualified residents of the Town of Bluffton.
2. Amend the Required Applicant Forms and Documentation. Currently required documentation includes Proof of Property Ownership. If approved, the change would ask the applicant for adequate proof of an ownership interest in the Property, whether by recorded title, court order, affidavit or otherwise.

There is an increase in applicants who need repairs to their mobile homes. Because of Heirs' Property issues, these applicants own the mobile home but not land where the mobile home is placed. We have 10 applicants who don't own the land their home sits on.

Toomer moved to adopt the Resolution Amending the Town of Bluffton Neighborhood Assistance Program Policy. Lutz seconded. The motion carried unanimously.

Consent Agenda:

- a. Monthly Department Reports: Police, Finance/Administrative, Engineering, Don Ryan Center for Innovation, and Growth Management.
- b. Town Manager's Monthly Report.
- c. Resolution to Award the Financing Contract for the Purchase of Capital Equipment included within the FY 2017 Adopted Municipal Consolidated Budget – Shirley Freeman, Director of Finance/Administration:

Staff recommends approval of the attached resolution for financing the purchase of four 2017 Ford Utility Police Interceptor Base SUVs with outfitting for the Police Department, one 2016 Ford Transit E1Z Cargo Van for Information Technology, and one 2016 Ford Transit E1Z Cargo Van with outfitting, one Heavy Duty Tandem trailer, on 60" Zero Turn Mower and one 72" Zero Turn Mower for the Public Works Department.

Seven lending institutions responded to our request for quotes for the financing of these vehicles in an amount not to exceed \$325,000. BB&T provided the lowest quote at 1.4% with a term of five years and a total interest amount of \$13,776.50. The total estimated cost of the outfitted vehicles and mowers in the current adopted budget is \$324,800. (Continued)

Consent Agenda - Continued:

d. Resolution for the Adoption of the New Grant Administration Policy and Procedures to be Included with the Existing Town of Bluffton Financial Policies – Trisha Greathouse, Assistant Director of Finance/Administration:

It is recommended that Town Council adopts the Grant Administration Policy and Procedures Manual to be included in the Financial Policies of the Town approved in FY 2010.

The Grant Administration Policy and Procedures Manual is intended to present a uniform method of acquiring, maintaining and recording the Town of Bluffton's grant awards. Policies incorporated are intended to apply to Federal and State grants and to be in compliance with the Code of Federal Regulations (CRF): Title 2, Subtitle A, Chapter II, Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, and Governmental Accounting Standards.

In addition to providing a point of reference to Town of Bluffton officials and others relative to grant administration, the objectives of this manual are as follows:

- Assist in providing accurate, current and a complete disclosure of funded programs and financial results of federal and state grants;
- Ensures that grant sources are applicable and appropriate to the Town's Strategic Planning Goals;
- Grants are properly budgeted and their expenditures are tracked by approved budget categories;
- Grant transactions are properly identified by recording grant revenues and expenditures in the Town's accounting system;
- Awarded federal and state grants are properly monitored and in accordance with the provisions of the Federal Office of Management and Budget Circulars and other federal and state laws;
- Ensures the preparation and timely submitting of financial and progress reports; and
- The proper administration, monitoring and close out of all grant activities are adhered to.

On an annual basis, the procedures in this manual will be evaluated and modified by the Town Manager or his designee, if necessary to ensure their continued performance in providing accurate grant administration processes.

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Consent Agenda - Continued:

- e. May River Watershed Action Plan Advisory Committee Recommendation to Submit a Letter of Support for Dr. Eric Montie's, Assistant Professor of Biology at University of South Carolina Beaufort, University of South Carolina Aspire III Grant Application – Kim Jones, Watershed Management Division Manager

The May River Watershed Action Plan Advisory Committee recommends Town Council approval to submit a letter of support for Dr. Eric Montie's University of South Carolina Aspire III grant application for water quality monitoring equipment to support ecological research in the May River. Dr. Montie, Assistant Professor of Biology at University of South Carolina Beaufort (USCB), requested from the Town of Bluffton a letter of support for an Aspire III grant application he is submitting internally to the University of South Carolina. Dr. Montie will be requesting approximately \$100,000 to purchase water quality monitoring equipment for USCB's Department of Natural Sciences in the spring of 2017. The Department plans to deploy the equipment in the May River, and perhaps other local waterways as needed, to support university research efforts.

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

Public Comments:

There were none.

Executive Session:

- a. Discussions on Proposed Contractual Matters Relating to Town Hall Renovations (Pursuant to FOIA Act Section 30-4-70(a)(2))
- b. Discussions of Negotiations Relating to Proposed Land Acquisition (Pursuant to SC FOIA Act Section 30-4-70(a)(2))
- c. Personnel Matters Relating to Boards, Commissions and Committees (Pursuant to SC FOIA Act Section 30-4-70(a)(1))

Wood moved for Town Council to enter Executive Session to discuss the abovementioned items. Toomer seconded. The motion carried unanimously. Council entered into Executive Session at 7:55 p.m.

Actions from the Result of Executive Session:

Mayor Sulka called the meeting back to order at 9:03 p.m. and announced no votes were taken.

Toomer moved for Town Council to authorize the Town Manager to approve a contract for design services for an addition/renovation of Town Hall to not exceed 7.2% of overall budget of \$3,500,000. Lutz seconded. The vote carried unanimously.

Lutz moved for Town Council to authorize Town Manager to negotiate a contract purchase of property located in Historic District not to exceed \$600,000 with closing date no later than October 15, 2017. Toomer seconded. The motion carried unanimously.

Toomer moved to appoint the following:

- **Alyson Barber to the Affordable Housing Committee for a term of three years.**
- **Meg James to the Affordable Housing Committee for a term of three years.**
- **Amanda Jackson to the Planning Commission for a term of three years.**
- **Reappoint Ronald Williams to the Planning Commission for a term of three years.**

Hamilton seconded. The motion carried unanimously.

Meeting adjourned at 9:05 p.m.

Mayor

Town Clerk