

BLUFFTON TOWN COUNCIL MEETING MINUTES

ELECTRONIC MEETING

April 14, 2020

Mayor Sulka called the meeting to order at 6:00 p.m. Council members present were Mayor Pro Tempore Fred Hamilton, Larry Toomer, Bridgette Frazier, and Dan Wood. Town Manager Marc Orlando, Deputy Town Manager Scott Marshall, Town Clerk Kimberly Chapman, Director of Growth Management Heather Colin, Director of Finance and Administration Chris Forster, Director of Engineering Bryan McIlwee, Emergency Manager Captain Scott Chandler, and Town Attorney Terry Finger were also in attendance.

Pledge of Allegiance and Invocation were given by Councilmember Bridgette Frazier.

Adoption of Agenda:

Roll call was taken to adopt a motion to amend the agenda by moving Formal Item number 3, Consideration to Approval of an Amendment to the Master Plan for Property Referred to as Pinecrest within the Buckwalter Planned Unit Development for Purposes of Modifying a Portion of Pinecrest Way to One-Way Traffic Westbound Only from Pinecrest Amenity Parking Lot to Masters Way up on the Formal Item Agenda to item number 1 so applicant can more easily participate in electronic meeting format. The amendment to the agenda was approved by unanimous vote.

Adoption of Minutes:

Town Council Regular Meeting Minutes of March 17, 2020.

Roll call was taken to adopt the Town Council Regular Meeting Minutes of March 17, 2020. The vote was unanimous.

Town Council Emergency Meeting Minutes of March 31, 2020.

Roll call was taken to adopt the Town Council Emergency Meeting Minutes of March 31, 2020. The vote was unanimous.

Presentations, Celebrations and Recognitions:

Mayor Sulka read the following proclamations:

- Fair Housing Month Proclamation
- Arbor Day Proclamation
- Child Abuse Prevention Month Proclamation

Public Comment:

There were none.

Communications from Mayor and Council:

Wood stated that he is thankful to the citizens of Bluffton for listening to the Governor's orders and that he has noticed all the blue ribbons on buildings to support police and first responders. He has ordered his own ribbons and encouraged others to do the same.

Hamilton and Toomer echoed Wood's statement.

Frazier stated that she echoed Wood's statement as well and wanted to offer support to residents in Hampton who have experienced damage from the recent tornados. Frazier stated that Jasper County is collecting non-perishable items for the victims.

Mayor Sulka stated that she is disappointed that we are unable to participate in the PGA RBC Heritage Tournament this year and thanked residents for everyone helping their neighbors.

Communications from Town of Bluffton Emergency Manager, Captain Scott Chandler:

Captain Chandler stated that the Bluffton Police Department is actively enforcing the Governor's orders including social distancing, the closure of non-essential businesses, lodging and travel restrictions, and access restrictions for both beaches and water and the home or work order. The Police Department has also partnered with the Bluffton Township Fire Department on a cleaning process (3 times per day), is self-monitoring all staff coming into the building and is requiring the wearing of N95 masks. There are currently 198 positive COVID-19 cases and 7 deaths in our state and that the situation must be taken seriously. Chandler recommended that citizens refer to the South Carolina Emergency Management Divisions website for accurate information.

Workshop Items:

Discussion Related to Residential Solid Waste and Recycling Collection Services – Bryan McIlwee, Director of Engineering

McIlwee stated as background that the Town entered into a contract with Waste Management on September 1, 2010 to provide residential waste and recycling collection services. The initial contract term was three years with the ability to renew for an additional two-year term. In June 2014, a third contract amendment extended the term of the agreement to June 30, 2018

with an automatic extension to June 30, 2020 unless either party provided a 180-day written notice not to extend. The contract was extended and will be expiring on June 30, 2020.

A Request for Proposal (RFP) was posted for thirty days requesting that proposals from interested and qualified firms with past, proven, and positive experiences in providing weekly residential curbside solid waste pickup and weekly or bi-weekly residential curbside recycling pickup under a fixed price contract was posted.

Three submittals were received on the due date of March 24, 2020. The submittals received were:

- Waste Management of Georgia (Waste Management)
- Republic Services of South Carolina (Republic Services)
- Waste Pro of South Carolina (Waste Pro)

The Town's evaluation committee evaluated the submittals for methodology, experience, schedule and cost and determined that Waste Management provided the best value on the requested criteria and staff recommends that Waste Management provide residential solid waste and recycling collection services for the Town.

Under Waste Management's current contract, the collection rate is \$9.92 per household per month and there is a total of 9,289 households (at last count) being serviced. The weekly collection is that of a 96-gallon cart for trash and an 18-gallon bin for recyclables.

Waste Management's proposals are as follows:

- Base Service Price Proposal
 - Weekly collection, residential 96-gallon cart: \$6.09/residential per month
 - Weekly collection, recyclables, 18-gallon bin" \$6.55/residential per month
 - Total cost for base service - \$12.64/ residential unit per month
- Alternate Service Price Proposal
 - Bi-weekly collection, recyclables, 96-gallon cart: \$5.01/residential per month
 - Total cost for alternate service: \$11.10/residential per month

Value added items that have been proposed by Waste Management are as follows:

- Bagster Dumpster in a Bag Program – a cost effective, on-demand waste management solution that is lightweight, easy to transport, and smaller and more manageable than a large roll-off dumpster.
- Partnership in local Bluffton events or participating with the following groups for a variety of events:
 - Special Olympics
 - United Way of the Lowcountry
 - Relay for Life
 - May River Clean Up
 - Boys and Girls of the Lowcountry

- 43 Key Seconds/Lutzie 43
- Bluffton Christmas Parade

Alternatives for Town Council consideration:

- Selection of either weekly or bi-weekly recycling collection for contract and FY21 budget
 - Weekly: 18-gallon bin - \$6.55/residential unit per month
 - Bi-weekly: 96-gallon cart- \$5.01/residential unit per month
 - \$1.54 difference per residential unit per month
 - Based on the current count of 9,289 household count, approximately \$171,660 total annual cost difference
- Bi-weekly option costs less
 - \$1.54 per residential unit per month
- Results in fewer trucks on the roads
- Higher level of service
 - 433% increase in material per collection
- Staff receives numerous requests for 96-gallon recycling carts
- Based on historical knowledge, expect more residents will participate in recycling and volumes will increase
- Carts better secure recyclables preventing litter

Council was in consensus to continue weekly trash pickup with bi-weekly recycle in a larger 96-gallon cart. Comments from Town Council were that Waste Management will need to educate residents of the change in regard to the larger bin for recycling and the bi-weekly pickup change. It was also requested that the partnerships not be limited to the list that was given and it be negotiable.

Formal Items:

Consideration of Approval of an Amendment to the Master Plan for Property Referred to as Pinecrest within the Buckwalter Planned Unit Development for Purposes of Modifying a Portion of Pinecrest Way to One-Way Traffic Westbound Only from Pinecrest Amenity Parking Lot to Masters Way – Heather Colin, Director of Growth Management

Colin stated that the applicant, Willy Powell, with Ward Edwards Engineering, on behalf of the owner, Pinecrest Property Owners Association, Inc., is requesting approval of a Master Plan Amendment to the Initial Master Plan for Pinecrest. The project proposes to convert the existing two-way traffic to one-way traffic flow of Pinecrest Way, from Masters Way to the last entrance into the amenity center parking area so as to restrict access from Masters Way.

The project proposes to add the following improvements:

- Traffic arrow pavement markings along Pinecrest Way;
- One-Way signage along Pinecrest Way to direct Amenity-related movements; and
- “Do Not Enter” signage at the intersection of Pinecrest Way and Masters Way, visible from Masters Way

The subject road is zoned Buckwalter Planned Unit Development (PUD) and is located within the Pinecrest Master Plan, which encompasses approximately 429 acres and identified as a portion of tax map number R610 030 000 0711 0000.

The Town of Bluffton's Planning Commission voted at their February 26, 2020 meeting to recommend to Town Council to approve the Master Plan Amendment request with the following condition.

1. The Applicant must provide proof via Certified Mail that the 13 affected single-family property owners on Pinecrest Way are notified of the request for a Master Plan Amendment.

This application is for an amendment to the Pinecrest Master Plan which is located within the Buckwalter PUD and is subject to the standards set forth in the Buckwalter PUD Concept Plan, Development Agreement and the Pinecrest Initial Master Plan. The subject roadway lies within the Pinecrest Initial Master Plan which was originally approved in January 2002 and further amended September 2002. Town staff determined the proposed roadway change to be a major amendment to the master plan per the guide of Section 5.8.9(A) of the Town of Bluffton Planned Unit Development Ordinance referenced within the Buckwalter PUD.

Staff comments on the review of the Master Plan Amendment were reviewed at the June 25, 2019 meeting of the Development Review Committee (DRC). The Applicant has provided a response to staff comments provided at the DRC.

Town Council is required to consider the criteria set forth in Section 3.9.3 of the Unified Development Ordinance in assessing an application for a Master Plan. These criteria are provided below followed by a Staff Finding(s).

1. Section 3.9.3.B. Promotion of and consistency with the land use goals, environmental objectives and overall intent of the policies within the Comprehensive Plan.

Finding. The application is consistent with the Comprehensive Plan.

This Amended Master Plan proposes to convert Pinecrest Way, a two-way street, into one way traffic flow towards Masters Way. This would prevent unnecessary traffic coming from Masters Way through Pinecrest Way to access Bluffton Parkway. By eliminating cut-through traffic, it creates a safer environment for the residents along this street.

2. Section 3.9.3.C. Consistency with the intent of the Planned Unit Development Zoning District as prescribed in this Ordinance.

Finding. This request will be consistent with the Town of Bluffton Zoning and Development Standards Ordinance that applies to the Buckwalter Concept Plan.

This amendment does not propose to change the land uses or intensity of development.

3. Section 3.9.3.D. As applicable, consistency with the provisions of the associated Development Agreement and/or PUD Concept Plan.

Finding. The proposed master plan is consistent with the provisions of the Buckwalter Development Agreement.

4. Section 3.9.3.E. Compatibility of proposed land uses, densities, traffic circulation and design with adjacent land uses and environmental features, as well as the character of the surrounding area.

Finding. The application is compatible with the surrounding area.

Pinecrest Way was built as a local street to primarily provide access to the recreational amenities for the community and not to provide an alternate route to access Bluffton Parkway for non-residents of Pinecrest. The Pinecrest Golf Club is the only commercial use accessed by Pinecrest Way. The Pinecrest community pool and recreational courts are the only other uses accessed through this street.

5. Section 3.9.3.F. Ability to be served by adequate public services, including, but not limited to, water, sanitary sewer, roads, police, fire, and school services. For developments that have the potential for significant impact on infrastructure and services the applicant shall be required to provide an analysis and mitigation of the impact on transportation, utilities, and community services.

Finding. The property can be served by adequate public services and has previously provided an analysis and mitigation measures on the impact on transportation, utilities, and community services with the Buckwalter Development Agreement and Concept Plan.

6. Section 3.9.3.G. Demonstration of innovative site planning techniques that improve upon the standards in other allowable Town of Bluffton zoning districts with the purpose of enhancing the Town of Bluffton's health, safety and welfare.

Finding. The applicant proposes to use applicable signage to discourage wrong-way traffic and direct residents to amenities. By preventing off-site traffic from using the community's street as a bypass, there will be a reduction in traffic.

7. Section 3.9.3.H. Ability of the site to sufficiently accommodate the densities and land use intensities of the proposed development.

Finding. The previously approved master plan found the plan to sufficiently accommodate the densities and land-uses proposed and no new development is planned with this application.

8. Section 3.9.3.I. Conformance with adopted or accepted plans, policies, and practices of the Town of Bluffton.

Finding. The application can be in conformance with adopted or accepted plans, policies, and practices of the Town with the following modifications.

Toomer made a motion to approve the Master Plan for Pinecrest as presented. Wood seconded. Roll call was taken. The motion passed unanimously.

Consideration of an Emergency Ordinance Authorizing the Town Manager to Extend the Deadline for Payment of Business License Renewals, Hospitality Tax Payments and Accommodations Tax Payments and to Waive Late Fees on Payments due and not Paid between April 1, 2020 and June 1, 2020 until June 1, 2020 – Chris Forster, Director of Finance and Administration

Forster gave an overview. He stated that on March 13, 2020, President Donald Trump declared a national emergency to assist with combating the outbreak of respiratory illness due to a novel coronavirus (COVID-10). On March 15, 2020, the Honorable Henry McMaster, Governor of South Carolina, issued Executive Order No. 2020-08 related to 2019 Novel Coronavirus (COVID-19) and declared that a State of Emergency exists in South Carolina. On March 16, 2020, Mayor Lisa Sulka and the Town of Bluffton declared a local state of emergency in the Town of Bluffton.

The deferral of Hospitality Tax collections will delay the collection of an estimated \$196,000 until June 14, 2020. The deferral of Local Accommodations Tax will delay the collection of an estimated \$71,000 until June 14, 2020. The deferral of outstanding Business License renewal fees will delay the collection of an estimated \$1.1 million until June 14, 2020. The Town currently has sufficient cash balances in the corresponding funds to sustain us until the revised tax due date of June 14, 2020.

Frazier made a motion to approve an Emergency Ordinance Authorizing the Town Manager to Extend the Deadline for Payment of Business License Renewals, Hospitality Tax Payments and Accommodations Tax Payments and to Waive Late Fees on Payments Due but Not Paid between April 1, 2020 and June 1, 2020 until June 1, 2020. Toomer seconded. Roll call was taken. The motion passed unanimously.

Consideration of a Resolution Amending the Policy and Procedure Manual for Acquisition and Disposition of Real Property by the Town of Bluffton to Incorporate an Introduction Outlining Possible Considerations for Conveyances, a Real Estate Transaction Table and Checklist, and Add References to the Growth Framework Map as Appropriate – Heather Colin, Director of Growth Management

Colin stated that the purpose for the amendment to the Policy and Procedure Manual for the Acquisition and Disposition of Real Property by the Town of Bluffton is to incorporate general criteria for conveyances, a transaction checklist, and reference documents.

The general authority for the Town of Bluffton to acquire and sell real property and rights derives from the South Carolina Code of Laws, 1976, as amended, Section 5-7-40 which provides:

“All municipalities of this State may own and possess property within and without their corporate limits, real, personal or mixed, without limitation, and may, by resolution of the council adopted at a public meeting and upon such terms and conditions as such council may deem advisable, sell, alien, convey, lease or otherwise dispose of personal property and in the case of a sale, alienation, conveyance, lease or other disposition of real or mixed property, such council action must be effected by ordinance.”

The Town has conducted numerous real estate transactions for things such as the construction of public projects, the creation and preservation of public open space, economic development, and growth management efforts through purchase, sale, donation, and condemnation of real property and rights. The Town carries out these transactions through procedures based upon State Law, Town Code, best practices, and any grant related or other special requirements. Town Council memorialized these processes via the adoption of a Resolution approving the Manual on April 11, 2017.

Staff proposes that these revisions include the addition of an introduction outlining considerations for acquisitions and sales as follows:

1. Creation, expansion, and/or enhancement of economic development pursuant to the Town’s Comprehensive Plan which may also align with or support the strategy, vision, and goals of partner economic development organizations such as the Don Ryan Center for Innovation, Beaufort County Economic Development Corporation, SouthernCarolina Regional Development Alliance, and the South Carolina Department of Commerce.
2. Furthers the Town’s Affordable Housing initiatives.
3. Reduction of future development levels in high-density areas which are located outside the Place Types identified by the Growth Framework Map.
4. Preserves open space.
5. Creation of public access and/or view to the May River, New River, area creek(s), and/or cove(s).
6. Furthers the goals and initiatives of the Town's Strategic Plan, Comprehensive Plan, May River Action Plan, Neighborhood Plan(s), and other planning documents.

7. Provides an opportunity to enact restrictive covenants on real property for resale where appropriate.
8. Furthers environmental, wildlife, and natural resources conservation and/or historic preservation efforts within the Town.
9. Creation, expansion and/or enhancement of public properties, facilities, and/or infrastructure, which include, but are not limited to the following:
 - a. Beautification;
 - b. Drainage;
 - c. Lighting;
 - d. Local Utilities;
 - e. Parks;
 - f. Pathways;
 - g. Public Safety Initiatives;
 - h. Recreation Areas and Facilities;
 - i. Right-of-Way;
 - j. Stormwater Mitigation; and
 - k. Vehicle Parking Areas.
10. Implementation of Town of Bluffton Capital Improvement Projects and/or to assist Beaufort County, local governments, regional governments, local utility providers and/or other partners fulfill their Capital Improvement Projects as deemed appropriate by Town Council.
11. Results of Due Diligence activities.
12. Any other purpose deemed necessary by the Town of Bluffton Town Council.

Further additions include the Town of Bluffton Growth Framework Map, a Real Estate Transaction Table and Checklist, an Ordinance 2007-19 establishing the Town's transfer of development rights and development rights bank as appendices of the Manual.

Hamilton made a motion to approve a Resolution Amending the Policy and Procedure Manual

for the Acquisition and Disposition of Real Property by the Town of Bluffton to Incorporate an Introduction Outlining Possible Considerations for Conveyances, a Real Estate Transaction Table and Checklist, and Add References to the Growth Framework Map as Appropriate. Wood seconded. Roll call was taken and the motion passed unanimously.

Consent Agenda:

1. Monthly Department Reports: Police, Finance/Administration, Engineering, Don Ryan Center for Innovation, and Growth Management
2. Consideration of a Resolution to Affirm April as a Fair Housing Month Affirming the Continued Dedication of the Town of Bluffton to Fair Housing Principles and Regulations Established by the State of South Carolina and the United States Federal Government – Kevin Icard, Planning and Community Development Manager
3. Consideration of a Resolution to Authorize the Installation of “No Parking” Signs on a Portion of Lawrence Street – Bryan McIlwee, Director of Engineering
4. Consideration of a Resolution Authorizing the Renewal of a Memorandum of Agreement between Beaufort County and the Town of Bluffton Regarding the Sharing of Responsibility of Minimum Control Measures Requires in the National Pollution Discharge Elimination System Permit Requirement for South Carolina Permit # SCR030000 – Bryan McIlwee, Director of Engineering
5. Consideration of Proposed Contractual Agreement Relating to the Calhoun Street Dock – Bryan McIlwee, Director of Engineering
6. Consideration of a Resolution to Authorize the Installation of “No Parking” Signs on a Portion of Calhoun Street at its terminus , Restricted Parking for Limited Times at Calhoun Street Adjacent to the Church of the Cross and “3 Hour Parking” on a Portion of Calhoun Street Adjacent to the Wright Family Park – Bryan McIlwee, Director of Engineering

Wood made a motion to accept the consent agenda as presented. Toomer seconded. Roll Call was taken and the motion carried unanimously.

Hamilton asked that Chief Chapmond provide a general report and crime statistics since the pandemic started and compared to April 2019 to be pulled off of the consent agenda at the next regularly scheduled Town Council meeting in May.

Adjournment:

Hamilton made a motion to adjourn. Wood seconded. The meeting adjourned at 7:02 p.m.

Lisa Sulka, Mayor

Kimberly Chapman, Town Clerk