

## BLUFFTON TOWN COUNCIL MEETING MINUTES

### ELECTRONIC MEETING

June 9, 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, Chief of Police Chris Chapmond, Director of Engineering Bryan McIlwee, Director of Finance and Administration Chris Forster Director of Growth Management Heather Colin, and Town Clerk Kimberly Chapman, and Town Attorney Terry Finger were also present.

Pledge of Allegiance and Invocation were given by Mayor Sulka.

#### Adoption of the Agenda:

**Toomer made a motion to adopt the agenda as presented. Frazier seconded. Roll call was taken, and the motion was approved unanimously.**

#### Adoption of Minutes:

Town Council Regular Meeting Minutes of May 12, 2020

**Wood made a motion to approve the Town Council Regular Meeting Minutes of May 12, 2020. Frazier seconded. The motion carried unanimously.**

Town Council Budget Workshop Minutes of May 21, 2020

**Toomer made a motion to approve the Town Council Budget Workshop Meeting Minutes of May 21, 2020. Frazier seconded. The motion carried unanimously.**

Town Council Budget Workshop Minutes of May 26, 2020

**Toomer made a motion to approve the Town Council Budget Workshop Meeting Minutes of May 26, 2020. Wood seconded. The motion carried unanimously.**

#### Communications from Mayor and Council:

Toomer asked that everyone look at the bright side of life and to treat others nicely and to be happy.

Wood agreed with what Toomer stated.

Frazier stated that the Bluffton MLK Committee will be hosting a free Juneteenth event on June 20<sup>th</sup> from 11 a.m. -5 p.m. at Eagles Field.

Sulka stated that both of the high schools had graduation events over the past few weeks. She

stated that citizens can find all of Council around Town and that everyone is accessible.

Public Comment:

**Kelly Graham, Bluffton Resident** – Mayor Sulka, Council Members, Manager Orlando and Bluffton residents, I want to take two minutes to acknowledge some of the front line people whom I have seen on the job through this COVID-19 crisis. These people deserve our admiration and respect not just for being visible and working hard through this time, but for their attitudes, their smiles and their friendly disposition to all who encounter them.

I am speaking, of course, about Derrick Coaxum and his town maintenance staff who take care of the landscaping, streets, signs and sidewalks in Bluffton. These "heroes in chartreuse", (referring to their bright yellow-green shirts and vests), are visible warriors who have been constantly present during the shutdown. Personal interaction with these tireless workers reveals their friendly attitudes and helpful demeanor.

They are out there every day, even during the weeks when Bluffton was like a ghost town; working like always, buzzing around town like worker bees that keep our hive thriving. So a list of their names is in order, as we salute and thank these folks who work to represent the spirit of our town on the dusty front lines, every day - with smiles on their faces.

Derrick Coaxum  
Mark Amerson  
Brian Williams  
Brian Ranger  
Richard Tynon  
Thomas Grant  
Melvin Hamilton  
Andrew Wheeler  
Mac Patterson  
David Mack

To these workers, we say thanks. Not just for the jobs you do, but for your generous personalities - and for the warmth and the image that you help set for our town and our community!

**Lynn Hummell** - I reside on Hilton Head, work in Bluffton and I am Editor of the Bluffton Sun. I had the great opportunity to attend the Sunday, May 31, Peaceful Protest Parade, organized by the Bluffton MLK Observance Committee. I would like to applaud Councilwoman Bridgette Frazier and her team for stepping up and putting the event together. The turnout was great - with an estimated 250 to 300 cars in the parade, many carrying three or four riders. People came from the island and from Beaufort to be part of it.

Many thanks also to the outstanding Bluffton Police Department and Capt. Joe Babkiewicz, who was front and center. Officers assisted throughout the event, from directing the lineup to leading the parade, and blocking intersections to provide safe passage for participants.

As if that event wasn't amazing enough, during the following week, Bluffton's remarkable young people came together to produce not one, not two, but three other peaceful protest rallies and marches through Old Town. Organizers from the Class of 2018, notably Desiree Bailey and Walter Wheeler, brought together another 300 people on Saturday, June 6. Bravo to all of these young adults! I wish my classmates and I had been as active for social justice when we were their age. Maybe things would be on a better, different path by now. Again, Bluffton PD, this time with Chief Chris Chapmond speaking and then walking along with the marchers, showed by their actions how law enforcement can and should work within a community.

Mayor Lisa Sulka, well known to all as Bluffton's most ardent cheerleader, continues to show her leadership and support by participating in all of these events. She has a heart for young people especially and supports and encourages them with the same fervor that she has for the town as a whole.

Though they prefer the background, Bluffton residents Kathleen and Steve Mardell and Justin Jarrett also deserve kudos for organizing voter registration at many of these events. As I understand, at least 30 new voters have been registered.

As far as I could tell, all of these events proceeded very smoothly, without a cross word from anyone, without tension and anxiety, and without any hint of violence that we have seen in protests in other cities and towns across America. We expect this sort of camaraderie and community in Bluffton, even when most of us are masked and socially distant.

At these events, I saw folks of all ages and backgrounds, with so many beautiful skin colors, and heard impassioned pleas for an end to systemic racism (meaning rooted in the "system"). We need to listen; we need to understand what is being said at these rallies. And then we need to act. Let's work together to make Bluffton a community of change.

#### Public Hearing and Final Reading:

A detailed media release was distributed on June 3<sup>rd</sup> regarding instructions for comment at Public Hearing during an electronic meeting. No comments were received.

Public Hearing opened at 6:14 p.m.

Public Hearing closed at 6:14 p.m.

#### Consideration of an Ordinance Approving the Town of Bluffton Fiscal Year 2021 Proposed Consolidated Budget – Second and Final Reading – Marc Orlando, Town Manager

Orlando stated that this proposed financial plan supports our Bluffton Town Vision that states, "Bluffton, the heart of the Lowcountry, a town that appreciates the past, focuses on today and is

planning together for a greater future.” This financial plan provides the resources and staff for all our commitments to making Bluffton a better place.

The proposed consolidated budget concentrates on the Town of Bluffton Strategic Plan priority Focus Areas that include May River & Surrounding Rivers and Watersheds, Town Organization, Economic Growth, Fiscal Sustainability, Community Quality of Life, Affordable and/or Workforce Housing, and Infrastructure.

The proposed consolidated budget consists of four funds, the General Fund, the Stormwater Utility Fund, the Capital Improvements Program (CIP) Fund, and Debt Service Fund.

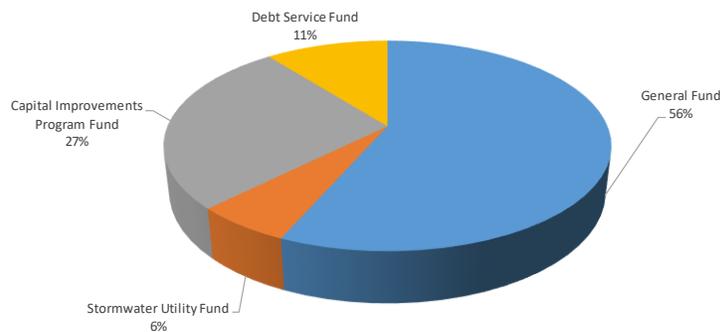
The proposed consolidated budget is a decrease of 8.3% from the FY20 budget which reflects the potential impact of the COVID-19 pandemic on FY21 revenues. The budget keeps the tax millage rate the same at 38.50, which reflects an increase in General Fund mills from 35.30 to 36.80 and a decrease in Debt Service Fund mills from 3.20 to 1.70 mills. In addition, it proposes a new vehicle tag fee to support public works and public safety, a proposed stormwater utility fee increase to complete unfunded stormwater projects that improve the May River and surrounding watershed stormwater quality improvements and a National Pollutant Discharge Elimination System (NPDES) plan review fee and inspection fee.

**The General Fund** accounts for and reports the financial resources for the Town’s primary operating fund. Principal sources of revenue are property taxes and licenses and permit fees. The General Fund budget is 56.6% of the consolidated budget at \$19,363,015. Budget details are available in the attached Executive Consolidated Budget Summary.

**The Stormwater Fund** accounts for and reports the financial resources of all stormwater-related expenditures including Watershed Management staffing and operations, routine watershed maintenance and capital projects. The primary source of revenue is stormwater utility fees. The Stormwater Fund budget is 6.0% of the consolidated budget at \$2,043,817 and includes a transfer of funds to the Capital Improvement Program Fund for stormwater related projects. Budget details are available in the attached Executive Consolidated Budget Summary.

**Capital Improvement Program (CIP) Fund** accounts for and reports financial resources that are restricted, committed or assigned to expenditures for capital outlays including the land acquisition and/or construction of capital facilities and other capital assets. Capital projects are primarily non-recurring in nature. All capital categories require a unit cost threshold of greater than \$5,000, except roads, buildings, and computer software (recorded in the general fund) whose threshold is \$50,000. The CIP budget is 26.8% of the consolidated budget at \$9,185,407 and supports diversified projects throughout our Bluffton neighborhoods. Budget details are available in the attached Executive Consolidated Budget Summary.

**Debt Service Fund** accounts for the accumulation of resources for the payment of interest and principal on general long-term debt obligations. The primary source of revenue is property tax and bond proceeds. The Debt Service Fund budget is \$3,631,628 or 10.6% of the consolidated budget and supports the debt service for the 2014 Tax Increment Revenue Bond, 2020 General Obligation Bond for the Law Enforcement Center at Buckwalter Place, a transfer to the Capital Improvement Program Fund for allowable projects, and future debt payments and allowable expenditures. Budget details are available in the attached Executive Consolidated Budget Summary – attached to the minutes.



Expenditures	FY 2020 Original Budget	FY 2020 Revised Budget	FY 2020 Year-End Estimate	FY 2021 Proposed Budget	\$ Change	\$ Change
General Fund	\$ 20,032,800	\$ 20,189,114	\$ 19,360,141	\$ 19,363,015	\$ (826,099)	-4.1%
Stormwater Utility Fund	2,051,695	2,022,752	1,410,444	2,043,817	21,065	1.0%
Capital Improvements Program Fund	9,661,470	11,895,271	7,455,021	9,185,407	(2,709,864)	-22.8%
Debt Service Fund	3,195,475	3,195,475	3,274,002	3,631,628	436,153	13.6%
<b>Consolidated Budget</b>	<b>\$ 34,941,440</b>	<b>\$ 37,302,612</b>	<b>\$ 31,499,608</b>	<b>\$ 34,223,867</b>	<b>\$ (3,078,745)</b>	<b>-8.3%</b>

Orlando stated that there were two Budget Workshops held in May – one on May 21<sup>st</sup> which covered the General Fund, the Stormwater Fund and the Debt Service Fund, and a second on May 26<sup>th</sup> which gave an overview of the Capital Improvement Program Fund.

**Frazier made a motion to approve the Final reading of an Ordinance Approving the Town of Bluffton Fiscal Year 2021 Proposed Consolidated Budget. Toomer seconded. The motion carried with a vote of four, with Wood opposed.**

Consideration of Approval of an Ordinance to the Town of Bluffton Code of Ordinances, Chapter 28 – Utilities, Article 4 – Small Cell Facilities- Second and Final Reading – Heather Colin, Director of Growth Management

Colin gave an overview and stated that the ordinance is new in its entirety to establish regulations for wireless “small cell facilities” in public rights-of-way (i.e., covered areas). If adopted, the ordinance will be placed into the Utilities chapter of the Code of Ordinances for the Town of Bluffton.

Small cell facilities are intended to support the next generation of cellular service (5G), which provides greater bandwidth and faster download speeds for the increasing number of devices that require wireless service.

Unlike cell towers that cover a broad area, a small cell facility is an antenna (and its related equipment) that provides cellular coverage for a radius of approximately 1500 feet. Typically, the antenna is attached to a structure within a public right-of-way that is less than 50 feet in height. These types of facilities are mostly located in densely populated places but will expand with the growth of 5G technology.

To deploy these types of facilities quickly and less expensively, the telecommunications industry prefers to use structures within public rights-of-way, such as light poles and traffic light structures. To avoid delays and expenses that occurred when cell towers were first deployed, the telecommunications industry has, to some degree, attempted to pre-empt the degree to which local governments can regulate these facilities.

A Federal Order released by the Federal Communications Commission in September 2018 is intended to remove regulatory barriers that were commonplace with cell towers. This includes a “shot clock” to expedite plan review, capping application costs and limiting aesthetic review of the entire facility.

More than 25 states have adopted legislation, suggested by the telecommunications industry that is even more restrictive than the Federal Order with regards to local government control. The State of South Carolina is also considering similar legislation. House Bill 4262 was approved by the House in 2019; it is presently under review by a Senate sub-committee.

The proposed ordinance is based on a model ordinance provided by the Municipal Association of South Carolina (MASC), which it crafted with the telecommunications industry to streamline the review and permitting process. The ordinance is intended as a guide to prepare local governments to receive applications.

Colin stated that there have been no changes since First Reading in May.

**Toomer made a motion to a pass on first reading, an Ordinance amending Chapter 28 of the Code of Ordinances for the Town of Bluffton, Utilities, Article 4- Small Wireless Facilities in Covered Areas. Wood seconded. Roll call was taken, and the motion passed unanimously.**

Formal Agenda Items:

Consideration of an Ordinance to Amend the Town of Bluffton Code of Ordinances, Chapter 13, Public Property, Article II, Public Park, Dock and Boat Landing Rules, to Modify the Names and Rules Pertaining to the Use of Certain Town-Operated Properties – Second and Final Reading – Scott Marshall, Deputy Town Manager

Marshall stated that on August 13, 2019, Town Council approved amendments to the Town of Bluffton Code of Ordinances to consolidate and update rules for all existing Town-operated parks.

Since that time, the completion of several capital projects as well as several other pending capital projects necessitated the review of parks and facilities that the Town offers for rental. In a Workshop on March 17, 2020, Town Council conducted such a review.

The results of the March 17 Workshop included the following actionable direction to Staff:

1. Town Council Direction: Place the Martin Family Park on the Town of Bluffton Master Fee Schedule in Fiscal Year 21 and make it a rentable property.
  - a. Staff Response: The Martin Family Park is included on the on the Master Fee Schedule in the Fiscal Year 2021 Consolidated Budget for consideration. The fees proposed by Staff in the Master Fee Schedule are identical to those of the Field of Dreams at Oscar Frazier Park.
2. Town Council Direction: Modify the existing strict prohibition of alcohol at Martin Family Park, to the allowance of alcohol in conjunction with the issuance of a special events permit.
  - a. Staff Response: Amendments to the Town of Bluffton Code of Ordinances, which are presented for consideration in the Ordinance at Attachment 1, include striking paragraph 13.42(c), which reads “The possession of an open container and/or the consumption of alcohol is strictly prohibited.” With the omission of this language in paragraph 13.42, the language in paragraph 13.37(c) prevails, which reads “The possession of an open container and/or the consumption of alcohol is prohibited except as permitted in Chapter 22, Article IV.”
3. Town Council Direction: Place the Public Park at Buckwalter Place Multi-County Industrial Park (sans the Veterans Memorial) on the Town of Bluffton Master Fee Schedule in Fiscal Year 21 and make it a rentable property.
  - a. Staff Response: The Public Park at Buckwalter Place Multi-County Industrial Park is included on the Master Fee Schedule in the Fiscal Year 2021 Consolidated Budget for consideration. The fees proposed by Staff in the Master Fee Schedule are identical to those of the Field of Dreams at Oscar Frazier Park.

Other housekeeping items included in the Ordinance presented for consideration include:

1. Amending paragraph 13.42 by striking “Park at 68 Boundary Street” and adding “Martin Family Park.” This action is consistent with Town Council’s previously adopted Resolution on August 13, 2019 memorializing this property in honor of the family of Jacob and Ida Martin.
2. Amending paragraph 13.48 by striking “Buckwalter Place Veterans Memorial Park,” and adding “Public Park at Buckwalter Place Multi-County Industrial Park.” The name of this park has not yet been formally designated. Leaving it labeled as the Veterans Memorial Park may create confusion to prospective renters of the property since the Veterans Memorial itself will not be available for rent.

Marshall stated that there have been no changes in First Reading in May.

**Toomer moved to approve the Ordinance to Amend the Town of Bluffton Code of Ordinances, Chapter 13, Public Property, Article II, Public Park, Dock and Boat Landing Rules, to Modify the Names and Rules Pertaining to the use of Certain Town Operated Propertied, as presented for First Reading. Frazier seconded. Roll call was taken, and the vote carried unanimously.**

Consideration of Approval of an Ordinance to Amend the Town of Bluffton Code of Ordinances, Chapter 23 – Unified Development Ordinance, Article 4 Zoning Districts, Including Uses by District for Shopfront Manufacturing and Storefront Manufacturing, Conditional Use Standards for Junk and Salvage Yard Operations, Manufacturing, Shopfront Manufacturing, Storefront Manufacturing, Solid Waste Transfer Facility/Recycling Center and Article 9 Definitions and Interpretations – First Reading – Heather Colin, Director of Growth Management

Colin stated that On May 8, 2018, the Town of Bluffton Town Council approved a Resolution adopting the Strategic Plan for Fiscal Year 2019-20 (“Strategic Plan”). The Strategic Plan serves as a road map for activities and initiatives to implement the Town’s Vision and Mission Statement to ensure that Bluffton is poised to capitalize on opportunities that advance key goals.

Strategic focus areas include Fiscal Sustainability, Economic Growth, Town Organization, Community Quality of Life, Infrastructure, Affordable and/or Workforce Housing, and the May River & Surrounding Rivers and Watersheds. To support Community Quality of Life, Town Council requested a review of the Unified Development Ordinance (UDO) to determine if amendments could be made to better support the Town’s priorities and general welfare. This review resulted in a “calibration of land uses,” which includes recommending the following:

- 1) The creation of two new land uses (Storefront Manufacturing and Storehouse Manufacturing), both with use conditions;

2) The elimination of Mini-warehouse or Self-service Storage Facilities as a conditional use in the General Mixed (GM) Use District; within the Light Industrial (LI) District, changing it from a permitted use to a conditional use; and,

3) Amendments to existing use conditions for the development of Junk and Salvage Yard operations; Manufacturing; Mini warehouses or Self-storage Facilities and, Solid Waste Transfer Facility / Recycling Centers to improve buffering and other good neighbor standards.

This calibration was assisted with feedback obtained from the Don Ryan Center for Innovation (Center) regarding amendments to the Unified Development Ordinance (UDO). The Center identified breweries and distilleries as desirable land uses that support Economic Development and Community Quality of Life. John O’Toole with Beaufort County Economic Development Corporation and Ashley Feaster with Palmetto Electric Cooperative also provided feedback as it relates to economic development strategies. To support a broader range of potential businesses with operational characteristics similar to breweries and distilleries (i.e., low intensity manufacturing), Storefront Manufacturing and Storehouse Manufacturing are proposed.

Proposed UDO amendments for consideration include:

**1. Amend Article 4 (Zoning Districts), Sec. 4.3 (Uses by District), Table 4.3 (Uses by District).**

The following changes are proposed:

- a. Add Storefront Manufacturing and Storehouse Manufacturing as new conditional uses within specified zoning districts; and,
- b. Eliminate the Mini-warehouse or Self-service Storage Facilities as a conditional use in the General Mixed (GM) Use District and change from a permitted use to a conditional use in the Light Industrial (LI) District. Additional buffering and good neighbor standards are also proposed.

In recent years, traditional retail shops have undergone transformation. While competition with Internet sales has diminished the construction of new brick and mortar stores to some degree, retailing with related light manufacturing and assembly is expected to continue to increase. Traditionally, zoning regulations have forced these uses to locate in industrial areas; however, they do not cause operational nuisances. By limiting these uses to industrial-zoned property, which is a very limited area of Bluffton, the Town may be losing potential businesses and employment opportunities.

To address this, two new land uses are proposed, one that is primarily retail in nature (“Storefront Manufacturing”) and the other that is primarily manufacturing (“Storehouse Manufacturing”). An example of a storefront manufacturing use is a coffee shop that

receives and stores beans to be roasted in mass. The roasted beans are then used to brew coffee for on-site consumption and may also be packaged for retail sale on-site and/or to be shipped to purchasers. An example of Storehouse Manufacturing is a brewery or distillery that is primarily engaged in the manufacturing and bottling of beverages for wholesale to be sold by other establishments, and that may provide limited on-site retail to the general public, tastings and tours. It has become common to see this use in conjunction with a restaurant or bar (which are separate principal uses).

Removing Mini-warehouses and Self-service Storage Facilities from the General Mixed (GM) Use District is intended to ensure that the GM District remains vibrant with businesses that provide goods and personal services, as well as employment opportunities. The nature of the storage use is more appropriate for the Light Industrial District with very specific conditions.

2. **Amend Article 4 (Zoning Districts), Sec. 4.4 (Conditional Use Standards).** As identified in UDO Table 4.3 (Uses by District), certain uses are “conditional uses” and are designated with the letter “C.” The letter indicates that the particular use has conditions that are required for it to be developed. Typically, the conditions relate to minimizing impacts, such as requiring more screening or buffering beyond the minimum requirements of the UDO. The proposed amendment provides an explanation of the intent of the conditions and eliminates language that may be confusing.
3. **Amend Article 4 (Zoning Districts), Sec. 4.4.2 (Conditional Use Standards, Commercial Uses: Storefront Manufacturing, Storehouse Manufacturing).** Storefront Manufacturing and Storehouse Manufacturing are proposed to include conditions to ensure that manufacturing activities do not cause potential nuisances for neighboring properties, including noise, odor, vibration and glare. Additional conditions relate to screening and design. If screening is provided, limited outdoor activities may be possible for the Storehouse Manufacturing use. Also, a traditional shopfront appearance is recommended to be incorporated into the design of a Storefront Manufacturing structure as retail is the main component of this use.
4. **Amend Article 4 (Zoning Districts), Sec. 4.4 (Conditional Use Standards, Industrial Uses: Junk and Salvage Operations, Solid Waste Transfer Facility/Recycling Center, Manufacturing).** Three uses—Junk and Salvage Operations, Manufacturing and Solid Waste Transfer Facility/Recycling Facility—are presently permitted in the Light Industrial district as conditional uses (i.e., if the specified UDO conditions are met, the use is permitted). The use conditions are designed to prevent or reduce potential nuisance impacts beyond the property lines, such as noise and glare. Amendments are proposed to require improved buffering, including landscaping and screening to ensure greater compatibility with neighboring properties.

5. **Amend Article 9 (Definitions and Interpretation), Sec. 9.4.3 (Description of Uses of Land and Buildings; Commercial Services-Storefront Manufacturing and Storehouse Manufacturing).** With the addition of Storefront Manufacturing and Storehouse Manufacturing as new uses (see #1 above), definitions for each are proposed. Storefront Manufacturing is primarily engaged in retail sales but also includes limited manufacturing activities (e.g., a coffee shop that roasts beans and packages them for sale on-site or via the Internet). Storehouse Manufacturing is primarily engaged in low intensity manufacturing that could include assembly and packaging for limited on-site sales but may include retail sales via the Internet and wholesale for larger quantities. An example, small-scale craft breweries and distilleries, are increasingly popular in mixed use areas and may be in combination with a restaurant and/or bar, separate principal uses.

When assessing an application for a UDO Text Amendment, the Town Council is required to consider the criteria set forth in UDO Section 3.5.3, Application Review Criteria. These criteria are provided below, followed by a Finding.

1. **Section 3.5.3.A.** Consistency with the Comprehensive Plan or, if conditions have changed since the Comprehensive Plan was adopted, the consistency with the overall intent of the Plan, recent development trends and the general character of the area.

**Finding.** The proposed amendments are consistent with the needs, goals and implementation strategies of the Comprehensive Plan. The Comprehensive Plan, as adopted on September 4, 2007, balances “long-term visioning and goals” with “short-term actions.” Adding to Storefront Manufacturing and Shopfront Manufacturing supports diversification of the local economy, as called for the Comprehensive Plan. Likewise, the Comprehensive Plan encourages the protection of the health, safety and welfare of residents and visitors; improved use conditions support this.

2. **Section 3.5.3.B.** Consistency with demographic changes, prevailing economic trends, and/or newly recognized best planning practices.

**Finding.** The proposed amendments are consistent with best planning practices in response to the Town’s economic trends and further the public welfare.

3. **Section 3.5.3.C.** Enhancement of the health, safety, and welfare of the Town of Bluffton.

**Finding.** The proposed amendments will help to promote the Town’s general welfare by encouraging new types of businesses and improving buffering for the Town’s most intensive uses.

4. **Section 3.5.3.D.** Impact of the proposed amendment on the provision of public services.

**Finding.** The amendments will have no impact on providing public services.

5. **Section 3.5.3.E.** The application must comply with applicable requirements in the Applications Manual.

**Finding.** The application complies with all applicable requirements of the Applications Manual.

Colin stated that the Planning Commission made a recommendation at their May 27, 2020 meeting to unanimously approve the proposed amendments to the Unified Development Ordinance.

**Wood made a motion to approve on First Reading, an Ordinance to Amend the Town of Bluffton Code of Ordinances, Chapter 23 – Unified Development Ordinance, Article 4 Zoning Districts, Including Uses by Shopfront Manufacturing and Storefront Manufacturing, Conditional Use Standards for Junk and Salvage Yard Operations, Manufacturing, shopfront Manufacturing, Storefront Manufacturing, Solid Waste Transfer Facility/Recycling Center and Article 9 Definitions and Interpretations. Toomer seconded. Roll call was taken, and the motion carried unanimously.**

Consideration of Approval of an Ordinance to the Town of Bluffton Code of Ordinances, chapter 23 – Unified Development Ordinance, Article 4 Zoning Districts, Planned Unit Development, Affordable/Workforce Housing, Article 6 – Sustainable Development Incentives, Workforce/Affordable Housing – First Reading – Heather Colin, Director of Growth Management

Colin stated that on May 8, 2018, the Town of Bluffton Town Council approved a Resolution adopting the Strategic Plan for Fiscal Year 2019-20 (“Strategic Plan”). The Strategic Plan serves as a road map for activities and initiatives to implement the Town’s Vision and Mission Statement to ensure that Bluffton is poised to capitalize on opportunities that advance key goals.

During the FY2019-20 Strategic Action Plan process, Town Council included a new Strategic Focus Area to address Affordable and/or Workforce Housing. Other strategic focus areas include Fiscal Sustainability, Economic Growth, Town Organization, Community Quality of Life, Infrastructure, and the May River & Surrounding Rivers and Watersheds.

The Town of Bluffton is committed to improving the quality of families and communities, by helping to develop, produce and/or assist with low-cost affordable and/or workforce housing in safe neighborhoods including rental units and home ownership programs. To help guide efforts, Town Council created the Affordable Housing Committee (AHC) by a majority vote on January 12, 2010 and Town Council Resolution adopted on August 11, 2015 establishing its Charter. The AHC is tasked with assisting and advising Town Council on the establishment of affordable housing criteria for Town-sponsored affordable housing development projects and initiatives as well as defining the Town’s affordable housing goals, guidelines and policies, and funding mechanisms per the Committee.

On August 7, 2018, the AHC discussed the Town of Bluffton's Unified Development Ordinance's (UDO) requirements and incentives for Affordable/Workforce Housing and voted to forward the following recommendations for revisions to the UDO to Town Council:

1. Amend Section 4.2.13.F. Planned Unit Development (PUD) – Affordable/Workforce Housing. Currently, the UDO requires all new PUDs include a minimum of 10% affordable/workforce housing. The AHC recommends increasing the minimum amount of affordable/workforce housing required for new and amended PUDs from 10% to 20%.
2. Amend Section 6.5.3.B.4.a. Owner-Occupied Eligibility - Currently, the UDO requires that the sale of owner-occupied workforce/affordable housing units is limited to individuals and families earning no more than 120% of the current gross Area Median Income (AMI) for Beaufort County. The AHC recommends lowering the qualifying percentage to no more than 100% of the current gross (AMI) for Beaufort County. By lowering the percentage, it will allow more units to be available to lower-earning households.

Based on additional discussion in 2019, the AHC further recommended that the payment in lieu of providing affordable/workforce housing be eliminated.

Text amendments were prepared as directed by the AHC and shared with Town Council at a workshop on March 17, 2020. Town Council supported the text amendments as presented and advised that the definition for workforce housing also be amended to lower the qualifying percentage from 120% of the gross AMI for the County to 100%

Proposed Amendments:

1. **Article 4 (Zoning Districts); Sec. 4.2.13.F (Affordable/Workforce Housing)**

As of [date of the adopted amendment], a new or amended PUD with a residential component shall include a minimum of 10% 20% affordable/workforce housing. For amended PUDs, this requirement applies only to the portion of the PUD subject to the amendment. PUD's that include more than 10% 20% affordable/workforce housing, a density bonus of two additional market price units shall be allowed for each additional affordable/workforce housing unit. This may be utilized for a density increase of up to 20%. The Town of Bluffton may accept a fee in lieu of including affordable/workforce housing.

2. **Article 6 (Sustainable Development Incentives); Sec. 6.5.3.B.4.a (Workforce/Affordable Housing, Specific Standards)**

4. Owner-occupied workforce/affordable housing shall meet the following criteria:

- a. **Eligibility.** Sale of owner-occupied workforce/affordable housing units is limited to individuals and families earning no more than 120% 100% of the

gross Area Median Income (AMI) for Beaufort County, as published annually by the U.S. Department of Housing and Urban Development and adjusted for household size. The workforce/affordable housing unit shall serve as the owner's primary residence for the duration of ownership or until the deed restrictions required by this Section have expired."

**3. Article 9 (Definitions and Interpretation); Sec. 9.2 (Defined Terms – Workforce Housing)**

Workforce Housing: Housing affordable to low and moderate-income families (those earning up to ~~120%~~100% of the Beaufort County Area Median Income (AMI), as defined in the schedule published annually by the U.S. Department of Housing and Urban Development).

**REVIEW CRITERIA & ANALYSIS:** When assessing an application for a UDO Text Amendment, the Planning Commission and Town Council are required to consider the criteria set forth in UDO Section 3.5.3, Application Review Criteria. These criteria are provided below, followed by a Finding.

- 1. Section 3.5.3.A.** Consistency with the Comprehensive Plan or, if conditions have changed since the Comprehensive Plan was adopted, the consistency with the overall intent of the Plan, recent development trends and the general character of the area.

**Finding.** The proposed amendments are consistent with the needs, goals and implementation strategies of the Comprehensive Plan. The Comprehensive Plan, as adopted on September 4, 2007, balances "long-term visioning and goals" with "short-term actions." The Action Agenda Initiatives found in the 2019-20 Strategic Plan capture non-capital improvement projects of significance, many of which emanate from the Comprehensive Plan. The proposed Text Amendments are a direct result of these Initiatives.

- 2. Section 3.5.3.B.** Consistency with demographic changes, prevailing economic trends, and/or newly recognized best planning practices.

**Finding.** The proposed amendments are consistent with best planning practices in response to the Town's economic trends and demographics. As stated in the 20192020 Strategic Plan, "the Town of Bluffton is committed to improving the quality of families and communities, by helping to develop, produce and/or assist with low-cost affordable and/or workforce (affordable) housing in safe neighborhoods including rental units and home ownership programs." This includes "enhancement" of ordinances to meet the future housing needs of the Town.

- 3. Section 3.5.3.C.** Enhancement of the health, safety, and welfare of the Town of Bluffton.

**Finding.** The proposed amendments will help to promote the Town's general welfare by requiring more housing opportunities for income-qualifying households.

- 4. Section 3.5.3.D.** Impact of the proposed amendment on the provision of public services.

**Finding.** The amendments will have no impact on providing public services.

- 5. Section 3.5.3.E.** The application must comply with applicable requirements in the Applications Manual.

**Finding.** The application complies with all applicable requirements of the Applications Manual.

Colin stated that the Planning Commission made a recommendation at their May 27, 2020 meeting to unanimously approve the proposed amendments to the Unified Development Ordinance.

**Wood made a motion to approve on First Reading, an Ordinance to the Town of Bluffton Code of Ordinances, Chapter 23 – Unified Development Ordinance, Article 4 Zoning Districts, Planned Unit Development, Affordable/Workforce Housing, Article 6 – Sustainable Development Incentives, Workforce/Affordable Housing. Hamilton seconded. Roll call was taken, and the motion passed unanimously.**

Consent Agenda:

1. Monthly Department Reports: Police, Finance & Administration, Municipal Court, Engineering, Don Ryan Center for Innovation, and Growth Management
2. Town Manager's Monthly Report
3. Consideration of a Proposed Construction Contractual Agreement Related to the Phase 1 Historic District Sewer (Pritchard Street) – Bryan McIlwee, Director of Engineering
4. Consideration of a Resolution Amending Memorandum of Agreement 2019-04 between Beaufort County and the Town of Bluffton Regarding Financing and Analysis of Water Quality and Natural Resources in the May River – Bryan McIlwee, Director of Engineering
5. Consideration of a Resolution to Authorize the Request to South Carolina Department of Transportation for Removal of a Portion of Bridge Street (S-31) from the State Highway System and the Town of Bluffton's Acceptance of Ownership and Maintenance Responsibility – Bryan McIlwee, Director of Engineering

**Toomer made a motion to approve the consent agenda as presented. Frazier seconded. The motion carried unanimously.**

Executive Session Agenda:

1. Personnel Matters Regarding Town Council Appointments to Boards, Committees, and Commissions (Pursuant to Freedom of Information Act 30-4-70[a][1])
2. Consideration of a Resolution Authorizing Just Compensation to Property Owners for Easements Necessary to Complete the Approved Goethe Shults, Phase 2 Sidewalk (Pursuant to Freedom of Information Act 30-4-70[a][2])

**Toomer made a motion to move into Executive Session at 7:05 PM to discuss the aforementioned items. Frazier seconded. The motion was unanimous.**

**Town Council exited Executive Session at 7:47 PM. No motions were made, and no votes were taken during Executive Session.**

**Frazier made a motion to reappoint Michael Tripka, Nate Pringle, and Christy Parker to the Accommodations Tax Advisory Committee, each with a term expiration of 6/30/2023. Toomer seconded. The motion was unanimous.**

**Frazier made a motion to reappoint Meg James, Denolis Polite and John Nickel to the Affordable Housing Committee, each with a term expiration of 6/30/2023; reappoint Lawrence Garrison and Stephan Halpern to the Board of Zoning Appeals, each with term expirations of 6/30/2023; reappoint Joseph Nix and Robert Marino to the Construction Board of Adjustments and Appeals, each with a term expiration of 6/30/2023; to reappoint Edward Taylor, Kevin Ryan and Walter Nester to the Don Ryan Center for Innovation Board of Directors as recommended by the Don Ryan Center Board of Directors, each with an term expiration of 6/30/2023; reappoint Michael Lovecchio and Bruce Trimbur to the Historic Preservation Commission, each with term expiration of 6/30/2023; reappoint Babbie Guscio and Laura Bush to the Wall of Honor Committee, each with a term expiration of 6/30/2023; and to appoint Amber Kuehn to the May river Watershed Action Plan Advisory Committee with no term expiration. Wood seconded. Roll call was taken, and the motion was unanimous.**

**Wood made a Resolution Authorizing Just Compensation to Property Owners for Easements Necessary to Complete the Approved Goethe- Shults, Phase 2, Sidewalk Projects. The Amount of the Easements is \$9,044 with a 50% Contingency Reserved for Negotiation. Toomer seconded. Roll call was taken, and the motion was unanimous.**

**Hamilton made a motion to adjourn at 7:49 p.m. Toomer seconded. The motion carried unanimously.**



---

Lisa Sulka, Mayor



---

Kimberly Chapman, Town Clerk