

BLUFFTON TOWN COUNCIL MEETING MINUTES

ELECTRONIC MEETING

August 11, 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, Interim Chief of Police Scott Chandler, 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 Pro Tempore Fred Hamilton.

Adoption of the Agenda:

Wood made a motion to adopt the agenda as presented with the removal of Formal Item XI.1 – Consideration of Approval of an Ordinance to Approve a 100% Annexation Petition for Certain Property Consisting of Approximately 1.076 Acres of Land Located at 464 Buckwalter Parkway and Identified as a Portion of Beaufort County Tax Map No. R600 029 000 0014 0000 into the Town of Bluffton Municipal Boundary as Part of the Buckwalter Planned Unit Development of the 9.18 Acre Robertson Site based upon the applicants request. Hamilton seconded. Roll call was taken, and the motion was approved with a majority vote.

Adoption of Minutes:

Town Council Emergency Meeting Minutes of June 30, 2020

Frazier made a motion to approve the Town Council Emergency Meeting Minutes of June 30, 2020. Toomer seconded. The motion carried with a majority vote.

Town Council Regular Meeting Minutes of July 14, 2020

Toomer made a motion to approve the Town Council Regular Meeting Minutes of July 14, 2020. Wood seconded. The motion carried with a majority vote.

Presentations, Celebrations and Recognitions:

Mayor Sulka acknowledged the following students for their participation in the Bluffton Mayor's Youth Community Service Program:

- Liz Iglesias, May River High School, Exceptional Award for 137 Hours of Service
- Ashley Dollar, May River High School, Exceptional Award for 123 Hours of Service
- Ella DiSario, May River High School, Exceptional Level for 110 Hours of Service
- Emma Drury, May River High School, Exceptional Level for 106 Hours of Service
- Addison Black, May River High School, Gold Level for 54 Hours of Service
- Grace Hahn, May River High School, Gold Level for 70.5 Hours of Service
- Cassandra Johnson, May River High School, Gold Level for 86 Hours of Service
- Lillian Long, May River High School, Gold Level, for 51 Hours of Service
- Bekah Ossenfort, May River High School, Gold Level, for 51 Hours of Service
- Brittney Thinglestad, May River High School, Gold Level, for 60 Hours of Service

- Ava Wilson, May River High School, Gold Level, for 70 Hours of Service
- Fatima Alarcon, May River High School, Gold Level, for 71.5 Hours of Service
- Lilah Delbos, May River High School, Gold Level, for 71.5 Hours of Service
- Adeline Dewig, May River High School, Gold Level, for 56 Hours of Service
- Elly McMahan, May River High School, Silver Level, for 50 Hours of Service
- Gustavo Medina, May River High School, Silver Level, for 50 Hours of Service
- Anastasia Marie Thaller, St. Vincent's Academy, Silver Level, for 50 Hours of Service
- Brilee Larson, Bluffton High School. Gold Level, for 68.5 Hours of Service
- David Chacon, Bluffton High School. Gold Level, for 65 Hours of Service
- Matthew Shelbourne, Bluffton High School, Gold Level, for 53 Hours of Service
- Jade Wilson, Home School, Exceptional Level, for 120.75 Hours of Service

Communication from Mayor and Council:

There was none.

Public Comment:

Public comment was open to be received until two hours before the meeting start time through the website and via email to the Town Clerk to be read aloud for the record.

Ananta Gopalan, 23 Dove Tree Lane, Bluffton - My wife and I are residents of the Town of Bluffton for the last six years. One of the attractions of Bluffton to us is the way trees and foliage are used in commercially developed properties. It is attractive and not an eye-sore of vegetation-less concrete and asphalt jungle appearance so characteristic of the dense urban and suburban areas of the northeast and Midwest. However, in the last two- or three-years, permits are being given out that kills the bucolic environment of Bluffton. For example, Wal-Mart plaza, the clear-cut eye sore of the storage building on Buckwalter Pkwy and the new medical building that is going up on the Bluffton Parkway. I think the last one missed another inch of building to the sidewalk. I am just appalled that whoever that is responsible for handing the permits must have no idea how they are destroying the appearance of Bluffton. Please stop clear-cutting the trees and bushes on the property and don't be beholden to the developers some of whom are outside investors that have no concern about the town or its permanent residents.

Kevin Quat, 57 Calhoun Street Bluffton - I commend you for attempting to address short term rentals in our town and I have three concerns that I feel warrant a rejection of the proposed ordinance amendment:

1. If only 1 unit may be short term rented, can the other be long term rented? I do not think it is within the scope of this council to define the number of units that may have a specific use post construction.
2. Life Safety of the owner, guests and visitors who stay in the rental should be the priority
3. The Building Department is tasked with making sure compliance for specific use of a space is achieved and this use should be treated no differently than any other. Is renting an accessory dwelling unit or the main house of a single-family home considered a business? According to *Alvary v. United States*, 302 F.2d 790 (2d Cir. 1962), owning rental property qualifies as a business if you do it to earn a profit and work at it regularly and continuously. Example: Edwin Curphey personally managed his rentals, which included seeking new tenants, supplying furnishings, and cleaning and otherwise preparing the units for new tenants. The court held that these activities were sufficiently regular and continuous to place him in

the business of real estate rental. *Curphey v. Comm'r.*, 73 T.C. 766 (1980). Pertinent Information: Any business in the Town Limits requires a business license and a visit from the Town's Building Department to ensure the safety of the operators, visitors and operation. For a business of this type, a transient rental, the following items are of major concern for me that a transient guest may need and not be familiar with and that the proposed certification process should not place on the owner of the property/business, rather the town to ensure compliance:

1. Emergency escape windows – sized properly for ingress, in inspected yearly, operable, painted, clearly identified?
2. Fire Extinguisher – tagged and inspected yearly
3. Electrical panel location with clearly labeled breakers
4. Exit signs with emergency lights (based on size of property)
5. Carbon Dioxide alarm if gas is present
6. Smoke alarm inside and outside each dwelling space, tied together
7. Sprinkler system

Conclusion: The proposed amendment does not adequately address the safety of the property owner who may reside on the same property (either in an accessory unit or main unit), nor the visitors and guests. The fire department does not have jurisdiction over a single-family rental and the Building Department would not have any jurisdiction unless a complaint or permit application were filed. We must follow our mission to take care of our citizens, the Town and each other by continuously making our community and organization better. The business license procedure should require the property be inspected by the Building Department to confirm the safety standards for the type of use of the property for all concerned. The proposed certification process fails to adequately address essential life safety concerns and violates Chapter 9 of the 2018 SC Building Code, specifically [F] 903.2.8 Group R.

Joanie Heyward, 95 Boundary Street, Bluffton - Realizing the growth potential of Old Town, in October 2005 our leaders brought Town Government and town citizens together to create a plan for Old Town. The purpose of the gathering was to obtain, from the citizens, a vision for Old Town. The citizens spoke and the Old Town Master Plan was written. It was an exciting time in Bluffton. Some of you participated in this process. The document begins on page 1.2 by saying: "Nestled along the banks of the May River, the Old Town of Bluffton is treasured by residents and businesses alike for its natural beauty and unique physical character". It continues: "...The Old Town Master Plan is intended to provide a blueprint for future infill development in the Old Town that reflects the eclectic character of the area and a sustainable pattern of settlement." This same quote is carried forward in the UDO 5.15.1.

Taking this lead, precedent has been set in the Old Town with the Gigi's building of 4400 sq. ft., The Pearl of 3060 sq. ft. and The Children's Boutique structure of 3600 sq. ft. These structures are well below the 8,000 sq. ft. maximum allowed in the UDO. They respected the Old Town Master Plan. All this being said, I ask you, The Bluffton Town Council, to take the steps necessary to change the UDO maximum square footage allowed in the Old Town from 8,000 sq. ft. to an average of the precedent setting structures. I suggest this change would only be for the Old Town area roughly from Pritchard Street to Heyward Street and from the May River to May River Road. Development is important and encouraged but we must respect our history and heritage so well stated in the Old Town Master Plan on page 1.2: "The Town strives to achieve economic vitality through development and redevelopment while ensuring that Bluffton's community character and historical heritage are preserved." Let me thank you in advance for your consideration of this UDO change that is so very important to our historical

Public Hearing and Final Reading:

Consideration on Amendments to the Town of Bluffton Code of Ordinances, Chapter 5 – Official Construction Code, Article 1. Administration, Division 18 (new) Construction Site Property Maintenance and Site Preparation for Sever Weather Events – Second and Final Reading – Heather Colin, Director of Growth Management

Public Hearing Opened at 6:16 PM.

There were no comments.

Public Hearing Closed at 6:17 PM.

Colin stated that an amendment to the municipal code of ordinances is proposed to address construction site property maintenance during non-emergency events, as well as preparation of construction and developed sites for severe weather events. Several hurricanes in recent years and an increase in development throughout the Town have demonstrated the need for this ordinance.

In the interest of public safety, the ordinance is proposed to prepare construction and developed sites for severe weather events to prevent loose items from becoming airborne. Such items would be required to be secured, stored or removed, and containers and portable toilets would be required to be tied to the ground. Public notice of an impending severe weather event would come when the National Weather Service or National Hurricane Center issues a hurricane or tropical storm warning for Beaufort County, or when a severe weather directive has been issued by the Town Manager, whichever may be first. Once these agencies remove Beaufort County from further weather threat, or the Town Manager ends the severe weather directive, materials and furnishings could be returned to their locations. For construction sites, if the Town deems the site to be an endangerment to public safety; a possible liability to the Town; or an endangerment to public property, streets or utilities, the Town would be able to enter the site to secure, store or remove items if the property owner or contractor has not done so. The property owner would be required to reimburse the Town for related expenses.

Similarly, it is in the interest of the public welfare to require that construction sites during non-emergency events be maintained in good, clean and safe condition. Minimal standards are proposed to help ensure this, including but not limited to a requirement for debris to be removed at least once a week, or when a dumpster is full; removing any dirt, mud or other debris from rights-of-way and public property on a daily basis; placing portable toilets away from adjacent properties; tree protection measures; and, approving access for construction vehicles. Any violation would require correction within 24 hours, otherwise a stop-work order may be issued, and the Town may correct the violation, charging the property owner for related expenses. The requirements will be included during the development plan review process, issuance of all planning and building permits and during the pre-construction meeting.

Colin stated that staff recommends a change from First Reading of when the proposed site standards go into place. As written and approved at First Reading, the public is notified when the National Weather Service or National Hurricane Center issues a hurricane or tropical storm warning (issued 36 hours before a storm) for Beaufort County, or when a severe weather directive has been issued by the Town Manager, whichever may be first. Staff is proposing that the Ordinance state that the public be notified when a

“watch” (issued at 48 hours before a storm) is issued to allow staff and contractors be more prepared.

Toomer made a motion to approve on Second and Final Reading the Amendments to the Town of Bluffton Code of Ordinances, Chapter 5 – Official Construction Code, Article 1. Administration, Division 18 (new) Construction Site Property Maintenance and Site Preparation for Severe Weather Events with the verbiage change of “warning” to “watch” suggested by staff. Wood seconded. Roll call was taken, and the motion carried unanimously.

Consideration of Approval of an Ordinance to Amend the Belfair Planned Unit Development Text to Amend Proposed Uses to add the Use “Animal Hospital or Clinic” to the List of Permitted Uses within the Neighborhood Commercial Portion of the Belfair Planned Unit Development Concept Plan, Article 4 Development Plan Section A – Land Use, Subsection 6 – Neighborhood Commercial – Second and Final Reading – Kevin Icard, Planning and Community Development Manager

Public Hearing Opened at 6:18 PM.

There were no comments.

Public Hearing Closed at 6:19 PM.

Icard stated that this application is being presented by Walter Nester of Burr & Forman LLP, on behalf of the owner, BRE Mariner Belfair Town Village, LLC, for approval of a Planned Unit Development (PUD) Text Amendment. The Applicant is requesting the approval of a text amendment to the Belfair PUD by adding to the current authorized uses in the Neighborhood Commercial (NC) portion of the Belfair PUD the use category "Animal Hospital or Clinic," but excluding the use category "Kennel".

The Neighborhood Commercial (NC) portion of the Belfair PUD, known as the Belfair Town Village, is located on the northern side of Highway 278 across from the intersection of Simmonsville Road and consists of approximately 31.5 acres

The application is for a text amendment within the Belfair PUD to allow “Animal Hospital or Clinic”, but excluding “Kennels,” within the Neighborhood Commercial (NC) portion of the PUD.

The Owner intends to lease Property within the Neighborhood Commercial area of the PUD to Banfield Pet Hospital, a full-service veterinary clinic providing treatment, medications, vaccinations and the sale of associated retail products for household pets. Banfield does not require nor plan to contract kennels or facilities for keeping household pets on the property, except as necessary to provide medical treatment.

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. This request is consistent with the Comprehensive Plan.

Finding. This text amendment would extend the Neighborhood Commercial (NC) area uses to allow an animal hospital or clinic, excluding kennels, and would be consistent with the commercial uses in the area.

1. **Section 3.5.3.B.** Consistency with demographic changes, prevailing economic trends, and/or

newly recognized best planning practices.

Finding. This request does not significantly alter the area since the Belfair Towne Village is already developed with a variety of residential, civic, commercial, and other mixed uses. The application proposes to add the additional use of "Animal Hospital or Clinic," which is an equivalent or less intense use than other uses available in the Belfair PUD.

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

Finding. This request will allow the additional use of Animal Hospital or Clinic to support current and future residents of the Town by allowing animal medical and health care facilities for animals of Town and County Residents.

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

Finding. This request affects the Neighborhood Commercial (NC) portion of the Belfair PUD, which has direct access to U.S. Highway 278. The Neighborhood Commercial area has all necessary and readily available utilities and storm water facilities that are suitable for the proposed use. No additional density is requested; therefore, there is no adverse impact on the public facilities and services contemplated to serve the Belfair PUD.

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

Finding. This request has satisfied all applicable requirements of the Applications Manual.

The applicants, Walter Nester and Brett Mike were available for questions. Icard stated that there have been no changes since First Reading on July 14th.

Frazier made a motion to approve on Second and Final Reading an Ordinance to Amend the Belfair Planned Unit Development Text to Amend Proposed Uses to add the Use of "Animal Hospital or Clinic" to the List of Permitted Uses within the Neighborhood Commercial Portion of the Belfair Planned Unit Development Concept Plan, Article 4 Development Plan Section A – Land Uses, Subsection 6 – Neighborhood Commercial. Wood seconded. Roll call was taken, and the motion passed unanimously.

Consideration of an Ordinance to Amend the Town of Bluffton Code of Ordinances, Chapter 23 – Unified Development Ordinance, Article 5 Design Standards, General Standards Related to Historic District Architectural Design and Lot Sizes – Second and Final Reading – Heather Colin, Director of Growth Management

Public Hearing Opened at 6:19 PM.

Kevin Quat, 57 Calhoun Street Bluffton - I commend you for attempting to address short term rentals in our town and I have three concerns that I feel warrant a rejection of the proposed ordinance amendment:

1. If only 1 unit may be short term rented, can the other be long term rented? I do not think it is within the scope of this council to define the number of units that may have a specific use post construction.
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main house of a single-family home considered a business? According to *Alvary v. United States*, 302 F.2d 790 (2d Cir. 1962), owning rental property qualifies as a business if you do it to earn a profit and work at it regularly and continuously. Example: Edwin Curphey personally managed his rentals, which included seeking new tenants, supplying furnishings, and cleaning and otherwise preparing the units for new tenants. The court held that these activities were sufficiently regular and continuous to place him in the business of real estate rental. *Curphey v. Comm’r.*, 73 T.C. 766 (1980). Pertinent Information: Any business in the Town Limits requires a business license and a visit from the Town’s Building Department to ensure the safety of the operators, visitors and operation. For a business of this type, a transient rental, the following items are of major concern for me that a transient guest may need and not be familiar with and that the proposed certification process should not place on the owner of the property/business, rather the town to ensure compliance:

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5. Carbon Dioxide alarm if gas is present
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7. Sprinkler system

Conclusion: The proposed amendment does not adequately address the safety of the property owner who may reside on the same property (either in an accessory unit or main unit), nor the visitors and guests. The fire department does not have jurisdiction over a single-family rental and the Building Department would not have any jurisdiction unless a complaint or permit application were filed. We must follow our mission to take care of our citizens, the Town and each other by continuously making our community and organization better. The business license procedure should require the property be inspected by the Building Department to confirm the safety standards for the type of use of the property for all concerned. The proposed certification process fails to adequately address essential life safety concerns and violates Chapter 9 of the 2018 SC Building Code, specifically [F] 903.2.8 Group R.

Public Hearing Closed at 6:25 PM.

Colin stated that as set forth in Section 3.5.2 of the Unified Development Ordinance (UDO), “an application for a Unified Development Ordinance Text Amendment may be initiated by a Town of Bluffton property owner, Town Council, Planning Commission, or the UDO Administrator when public necessity, convenience, State or Federal law, general welfare, new research, or published recommendations on zoning and land development justifies such action.”

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 Plan 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. These amendments relate to Community Quality of Life, which includes updating

policies and ordinances to sustain the Town's "unique and authentic" character, as well as preserving its culture and history.

Chapter 23 (Unified Development Ordinance), Article 5 (Design Standards), Section 15 (Old Town Bluffton Historic District) regulates new construction, redevelopment and exterior changes to all structures within Old Town. The impetus for having both general and architectural standards for these types of activities grew out of the Old Town Master Plan, which identified the need to establish a blueprint for the area in order to maintain its historic and eclectic architectural character and development patterns while still encouraging creativity.

The proposed amendments are intended to address reoccurring issues that have been identified as problematic in their application over the years. This process included input from the Historic Preservation Commission, Town Council, a consultant, local architects and other interested individuals and community members.

Additional amendments are also proposed to fix scrivener's errors, provide consistency with other sections of the UDO, and allow additional flexibility in some instances (e.g., more material choices). These amendments were discussed at a Historic Preservation Workshop on May 1, 2019 and, more recently, May 6, 2020 and are representative of the comments provided.

Finally, these amendments also suggest adjustments to minimum lot widths for certain building types in the Neighborhood Core-HD, Neighborhood Center-HD, Neighborhood General-HD and Neighborhood Conservation-HD zoning districts based on Town Council concerns that lot widths less than 50 feet are too minimal to adequately provide for driveways and off-street parking. Presently, some building types within the four Old Town Historic District zoning districts allow for lot widths as minimal as 30 feet. After discussing lot widths at two meetings in May and June, the Planning Commission suggested that new lots not be less than 40 feet in width and, in some cases, be wider than 40 feet depending on building type.

Of the affected 18 lot widths less than 50 feet in width for the various building types scattered among the four zoning districts, seven (7) are proposed for lot width increases to 40, 45 or 50 feet from 30 and 35 feet; five (5) are proposed to have width increases from 40 feet to 45 or 50 feet. Of the remaining six (6), two would remain the same at 40 feet; two are new building types in the Neighborhood General-HD district with 45-wide lots; and two would have a lot width increase from 40 to 50 feet. These varying lot widths reflect the zoning district, building type, building size range, maximum footprint, typical width for the building type and the side yard setbacks. The Planning Commission also proposes requiring that, if the amendments are adopted, new single and two-family residences would be required to have vehicular access from the rear or side yard. The front yard could be accessible if a shared driveway with the adjacent property is established. If the shared driveway cannot be provided, the UDO Administrator would then have the authority to approve individual driveways. In addition, the Planning Commission recommended that the UDO Administrator be allowed the ability to reduce the minimum lot width requirement by up to five (5) feet if there are site constraints, such as protected/specimen trees or historic resources.

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.” 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, which includes evaluating existing ordinances from time to time to ensure, among other things, that they are adequately protecting and enhancing the Bluffton’s historic and eclectic character.

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 ensuring that general and architectural standards for Old Town Bluffton Historic District adequately protect Bluffton’s historic and eclectic character.

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 changes that Council requested at First Reading regarding the 50-foot minimum lot width have been incorporated into the Ordinance.

Wood made a motion to approve on Second and Final Reading an Ordinance to Amend the Town of Bluffton Code of Ordinances, Chapter 23 – Unified Development Ordinance, Article 5 Design Standards, General Standards Related to Historic District, Architectural Design and Lot Sizes. Frazier seconded. Roll call was taken, and the motion passed unanimously.

Workshop Agenda Items:

Discussion of Town of Bluffton Action Plan to Support Dominion Energy Periodic Tree Trimming – Scott Marshall, Deputy Town Manager

Marshall stated that on a five-year cycle, Dominion Energy performs rights of way maintenance, including pruning and removing trees. The purpose of this maintenance is to trim or remove trees and tree limbs that come into contact with electrical lines, which are the leading cause of power outages, especially during storms.

Formalizing a program to provide oversight for this process was identified by Town Council through the

strategic planning process as a priority in the Fiscal Years 2019-20 Strategic Plan and was carried over into the Fiscal Years 2021-22 Strategic Plan as an initiative to support the Community Quality of Life Strategic Focus Area.

In researching the issue, Town Staff contacted the Town of Edisto Beach, who reportedly had used a process to provide some oversight to prior SCE&G trimming activities in their community. This contact revealed that, although there was no formal agreement in place with SCE&G, the Town of Edisto Beach did gain cooperation from SCE&G to allow an ad-hoc body to follow the trimming crews around and provide input during the tree maintenance activity. This ad-hoc body was composed of representatives from the Edisto Beach Property Owners Association and the Edisto Land Trust.

Staff also contacted Dominion Energy to communicate with Mr. William Epting, their Chief Forester, to inquire about scheduled trimming and to express that providing oversight to the trimming was a strategic priority of Town Council. Tree trimming in the Bluffton area was last performed by SCE&G in 2015. Trimming activities are expected to resume in the November- December time from this year.

Given Town Council's desire to provide oversight of the trimming process, Staff recommends one of the following options:

- a. Utilize members of the standing Beautification Committee, a body already appointed by Town Council. In the Resolution establishing the Beautification Committee, one of the responsibilities of the committee is to advise on matters relating to intergovernmental and private sector relations regarding beautification.
- b. Appoint an ad-hoc committee comprised of community stakeholders who Town Council believe would provide value-added feedback to the trimming process.
- c. A combination of options a and b.

Council feedback was that only the minimum be trimmed and included a request to have no trimming on weekends; to invite Buck Island Simmonsville Committee members involved and other members of the community, which Council will identify; to identify areas that there were of concern from the last trimming and relay that it is desired that more care will be taken in those areas.

Wood asked that Staff inquire about the intended use of the herbicide policy that both utility companies use.

Marshall stated that in order to help mitigate the shock value of the process Staff will communicate the plan and what expectations are so that citizens are aware.

Discussion and Presentation of Beaufort County Impact Fee Study and Proposal – Eric Greenway, Community Development Director, Beaufort County

Greenway stated that an Impact Fee is a one-time payment for growth-related infrastructure and is only paid by new development – not existing residents or businesses. Impact fees fund capital improvements that add capacity and are not a tax but an agreement to build infrastructure.

There are three requirements to meet rational nexus:

- Need: Growth creates the need for infrastructure
- Proportionality: Growth pays its fair share of the cost
- Benefit: Growth receives a benefit from the infrastructure

Impact Fee Eligible Costs include facilities/improvements needed to serve new development and excess capacity in existing facilities. The fees may not be used for maintenance and repairs, operating costs or improvements that are required to correct existing deficiencies (unless there is a funding plan to correct those deficiencies).

Greenway stated that in 2018, Beaufort County went into contract to update parks and recreation, libraries, public safety (EMS), solid waste, transportation, fire and school. Currently, Beaufort County has intergovernmental agreements with all municipalities participating in transportation and libraries. Parks and Rec fees are collected by the Town of Bluffton only and there are currently no Intergovernmental agreements in place for public safety, solid waste or school. Municipalities can opt out of the service is already being provided.

The components for the Parks and Recreation Impact Fee Analysis are Regional Parkland and Improvements, Community Parkland Improvements, Neighborhood Parkland Improvements and Recreation Centers. Service Areas are Regional Parks (county wide) and all other facilities, North and South of the Broad River.

The components for the Library Impact Fee Analysis are Library Branches and Bookmobiles. The service area for the Library Branches are North and South of the Broad River, and the Bookmobiles are county wide.

The components for the Fire Impact Fee Analysis are Fire Stations, Admin and Training Facilities and Fire Apparatuses. The service area is North of the Broad River service area and Bluffton Fire District. The considerations for the Fire Impact Fee are residential fee exempted with approved sprinkler system, higher fee for 5,000 square feet single family units, units require advance equipment and vehicles.

The components for the Solid Waste Impact Fee Analysis are Convenience Centers and Solid Waste Vehicles (both incremental); the service area for convenience centers are North and South of the Broad River and countywide for Solid Waste Vehicles.

The components for the School Impact Fee Analysis are School Construction, School Land, School Buses, which are all incremental with a service area of South of the Broad River.

Greenway stated that the adoption schedule is as follows but is subject to change:

- July 21, 2020 – Beaufort County Planning Commission Workshop and Special Meeting and Recommendation to NRC
- August 3, 2020 – Beaufort County Planning Commission Meeting with no special recommendation to County Council

- August 10, 2020 – Beaufort County Council Natural Resources Committee with the recommended approval of school impact fee
 - August 27, 2020 – County Workshop regarding other fees
 - Beaufort County Council Meeting – First Reading to the School Fee Ordinance by Title
- September 14, 2020 – First Reading; County Council
- September 28, 2020 – Second Reading; County Council
- October 12, 2020 – Third Reading and Public Hearing

Greenway stated that he is available for questions at any time and that his presentation is available online.

Formal Agenda Items:

Consideration of an Ordinance Authorizing the Town Manager to Execute and Deliver an Amendment to the Easement Agreement Providing a Non-Exclusive Permanent Access and Utility Easement to the Bluffton Township Fire District, Over Certain Real Property Owned by the Town of Bluffton Identified as R610 036 000 1319 0000 – First Reading – Heather Colin, Director of Growth Management

Colin stated that on January 3, 2019, the Town of Bluffton (the “Town”) acquired Parcel 4A-2 consisting of 32.44 upland acres, 1.43 acres preserved wetlands, 1.49 acres wetland buffer, and 1.54 acres of wetland permit impacts for a total of 36.9 acres (the “Town Owned Property”), and the Bluffton Township Fire District acquired Parcel 4A-3 consisting of 3.0 upland acres within the New Riverside Concept Plan (“Fire District Property”), subject to certain easements, from New Riverside, LLC.

The contemplated easements at time of acquisition include those for utilities, signage and landscaping as well as a shared primary access easement which is split equally at the centerline between the Town Owned and Fire District Owned properties.

On February 11, 2020, Town Council conditionally approved the New Riverside Village Master Plan as shown on the Master Plan provided as Attachment 3. The Master Plan includes a shift to the existing primary access point on New Riverside Road by moving it closer to the SC Highway 47/170 roundabout. This shift requires the relocation of the existing easements to align with the new median cut on New Riverside Road which places the access right-of-way on the Town Owned Property.

The Fire District contemplated this revision to the access easement as well as the placement of necessary utilities on the site development plans for the new station. As such, their construction contract includes the cost to install the access road as well as the extension of sanitary sewer to the Town Owned Property.

To move forward, the Town and Fire District must authorize the relocation of the existing easements. Additionally, the Town and Fire District need to memorialize provisions for shared costs related to the construction of the access road and stormwater infrastructure.

To address these needs, the Town and applicable parties drafted the First Amendment to the Declaration

of Easements, Covenants, and Restrictions (New Riverside Civic Area).

This comprehensive document details the necessary provisions, which include, but are not limited to:

1. Authorization of the relocation of the primary access and its associated sign, utility, and landscape easements on the Town Owned Property;
2. Obligations of the Fire District to construct the primary access drive, sanitary Sewer, and sewer extension on the Fire District Property;
3. Obligation for the Town to reimburse the Fire District for certain construction costs as shown on the Construction Reimbursement Areas map provided as Attachment and summarized below:
 - a. Access road on the Town Owned Property for a cost not to exceed \$158,287;
 - b. Sanitary sewer installation to the Fire District Property for a cost not to exceed \$34,770; and
 - c. Sanitary Sewer Extension through the Fire District Property to serve the Town Owned Property for a cost not to exceed \$36,770.

Chief John Thompson and Rick Cramer of the Bluffton Township Fire Department were available for questions.

Toomer made a motion to approve on First Reading an Ordinance Authorizing the Town Manager to Execute and Deliver an Amendment to the Easement Agreement Providing a Non-Exclusive Permanent Access and Utility Easement to the Bluffton Township Fire District, Over Certain Real Property Owned by the Town of Bluffton Identified as R610 036 000 1319 0000; and, Authorizing the Execution and Recording of Certain Documents Therewith. Wood seconded. Roll call was taken, and the motion passed unanimously.

Consideration of an Ordinance Authorizing a Parcel Exchange between the Town of Bluffton and MFH Land, LLC for Certain Real Property Owned by the Town of Bluffton within the New Riverside Identified as R610 036 000 3214 0000; and Authorizing Execution and Recording of Certain Documents Therewith – Second and Final Reading – Heather Colin, Director of Growth Management

Let the record show that Mayor Lisa Sulka recused herself for this agenda item and a conflict of interest form is on file in the Clerk's Office. Mayor Pro Tempore Fred Hamilton took the gavel.

Colin stated that on January 3, 2019, New Riverside, LLC donated 7.11 acres known as Parcel 4B-3 within the New Riverside Planned Unit Development Concept Plan.

Town Council then conditionally approved the New Riverside Village Master Plan, consisting of the 7.11 acres owned by the Town and 26.966 acres owned by MFH Land, LLC on February 11, 2020 as shown on the Master Plan provided. The Master Plan included an alternate layout for the Town owned property,

which will house a public park and stormwater facilities, to enhance overall site design. The Master Plan also includes a change to the existing primary access point on New Riverside Road closer to the SC Highway 47/170 roundabout which will require the relocation of the median cut and installation of turn lanes to serve New Riverside Village as well as the Town owned and Fire District owned properties across the street.

To move forward with the Master Plan, an exchange of the Town owned 7.11 acres for the reconfigured parcels, consisting of the proposed Parcel 4B-3A containing 2.476 acres and Parcel 4B-3B containing 3.031 acres for a total of 5.507 acres as shown on the draft plat provide, is necessary. Additionally, the Town and MFH Land, LLC need to memorialize provisions for the development of the project and future responsibilities such as construction of the public park, cost sharing for the relocation of the median cut, future maintenance responsibilities, easements, and signage.

To address these needs, the Town and applicable parties drafted the Land Swap Agreement and Public-Private Development Contract.

This comprehensive document details the necessary provisions, which include, but are not limited to:

1. Authorization of the reconfiguration and exchange of the Town's property;
2. Obligations of MFH Land, LLC for the construction of the public park and stormwater facilities;
3. Obligations for the Town to install the park's playground, lighting, furniture, and kiosk signs as well as optional improvements for the construction of restroom and hydration facilities;
4. Cost share of 60% for the Town and 40% for MFH Land, LLC for improvements to New Riverside Road to relocate the median cut and install turn lanes;
5. Easements in favor of MFH for construction, utilities, stormwater, and maintenance; and
6. Easements in favor of the Town for access, parking, signage, stormwater drainage and maintenance.

Colin stated that there have been no changes since First Reading on July 14th. Present for questions were Weston Newton, Mike Hughes, Tex Small, Tina Garrett, Jim Mattei and Dallas Woods.

Wood made a motion to pass on Second and Final Reading and Ordinance Authorizing a Parcel Exchange between the Town of Bluffton and MFH Land, LLC for Certain Real Property Owned by the Town of Bluffton within New Riverside Identified as R610 036 000 3214 0000; and, Authorizing the Execution and Recording of Certain Documents Therewith. Toomer Seconded. Roll call was taken, and the motion passed with four votes.

Consent Agenda Items:

1. Monthly Department Reports: Police, Finance & Administration, Municipal Court, Engineering, Don Ryan Center for Innovation, and Growth Management
2. Town Manager's Report

3. Consideration of a Proposed Construction Contractual Agreement Related to the Law Enforcement Center Parking and Service Yard Expansion – Bryan McIlwee, Director of Engineering
4. Consideration of a Resolution to Adopt an Amendment to the Bylaws for the Don Ryan Center for Innovation – Mike Levine, CEO, Don Ryan Center for Innovation
5. Consideration of a Resolution to Adopt the Town of Bluffton Strategic Plan for Fiscal Years 2021-2022 – Scott Marshall, Deputy Town Manager
6. Consideration of a Resolution to Support the Town of Bluffton’s Consent to the State-Issued Certificate of Franchise Authority Filed with the with the South Carolina Office of the Secretary of State by Comcast Communications Management, LLC – Chris Forster, Director of Finance and Administration

Wood made a motion to approve the Consent Agenda as presented. Hamilton seconded. The motion carried unanimously.

Executive Session:

1. Personnel Matters Regarding Town Council Appointment of Boards, Committees and Commissions (Pursuant to Freedom of Information Act 30-4-70 [a][1])
2. Contractual Matters Pertaining to the Acquisition of Real Property in the Town of Bluffton Historic District, May River Road and Buck Island Road (Pursuant to Freedom of Information Act 30-4-70 [a][2])

Hamilton made a motion to move into Executive Session at 8:12 PM to discuss the aforementioned items. Frazier seconded. The motion was unanimous.

Town Council exited Executive Session at 9:20 PM. No motions were made, and no votes were taken during Executive Session.

Wood made a motion to appoint Michael Salas to the Beautification Committee. Hamilton seconded. The motion carried unanimously.

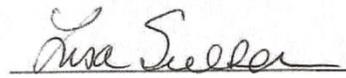
Wood made a motion to appoint Steve Wallace to the Board of Zoning Appeals. Hamilton seconded. The motion carried unanimously.

Hamilton made a motion to appoint Tabor Vaux (Bluffton Business Owner), Harry Lutz (Bluffton Business Owner), Jennifer Morrow, William O’Toole, Lawrence Ruocco, George Bailey, Ron Davies, Rosette El Sahlani, Michael Frazier, Reginald Howard and Mayr Rivera Vazquez to the Law Enforcement Citizens Committee. Wood seconded. The motion carried unanimously.

Frazier made a motion to appoint Ron Gleason to the Municipal Election Commission. Wood seconded. The motion carried unanimously.

Frazier made a motion to Adopt a Resolution Authorizing Acquisition of Approximately 0.896 Acres of Real Property in Bluffton's Historic District from Rona Cross for a Price not the Exceed \$475,000. Wood seconded. The motion carried unanimously.

Frazier made a motion to adjourn at 9:25 PM. Wood seconded. The motion carried unanimously.



Lisa Sulka, Mayor



Kimberly Chapman, Town Clerk