

Regular Town Council Meeting

September 12, 2023

Call to Order

Mayor Sulka called the meeting to order at 5:00 PM.

Town Manager Stephen Steese, Assistant Town Manager Heather Colin, Assistant Town Manager Chris Forster, Chief of Police Joe Babkiewicz, Town Clerk Marcia Hunter, and Town Attorney Terry Finger were also present.

The Pledge of Allegiance was given by Mayor Lisa Sulka and invocation by Councilmember Bridgette Frazier.

Adoption of the Agenda

Town Manager Steese requested to have agenda item section - X. Formal Agenda - Item (5) removed from the agenda and referred to Accommodations Tax Advisory Committee to further review and bring the item back to Councilmembers during the October Town Council Meeting.

A motion was made by Mayor Pro-Tem Toomer to remove agenda item section - X. Formal Agenda - Item (5) from the agenda for consideration of Accommodations Tax back to Accommodations Tax Advisory Committee due to the unencumbered unpledged funds of accommodations tax funds are currently less than the Accommodations Tax Advisory Committee thought at the time of their recommendations, Seconded by Councilmember Frazier. The motion carried unanimously.

Adoption of the Minutes

1. Regular Meeting Minutes of August 8, 2023

Councilmember Wood made a motion to approve the Regular Meeting Minutes of August 8, 2023, as presented, Seconded by Councilmember Hamilton. The motion carried unanimously.

Presentations, Celebrations and Recognitions

1. Ovarian Cancer Month Proclamation - Mayor Sulka

Mayor Lisa Sulka, on behalf of Town Council, presented a proclamation in honor of ovarian cancer month.

Public Comment

Prior to Public Comment, Mayor Sulka reviewed the rules of Public Comment.

Sharon Brown – 163 Buck Island Road – Ms. Brown raised concerns regarding a public safety concern due to the lack of a guiderail along the pedestrian walkway along Buck Island Road. Ms. Brown expressed concerns about inclusion and diversity for the summer internship program. She has made a recommendation for consideration to encourage high school seniors that have studied in the related fields to apply for the positions. The final item brought forward was dismantling of Calhoun Street, named after John C. Calhoun due to his stand as a nationalist and adamantly

defending slavery. Ms. Brown will be coming back to the council with a series of information to address concerns regarding this topic.

Skip Hoagland - 61 Sparwheel Lane, Hilton Head Island - Mr. Hoagland approached the podium and addressed Mayor Sulka, advising of the need for a Law Compliance Pledge. He then discussed government corruption and Accommodations Tax Funds.

Lynne Greeley - Mr. Skip Hoagland began speaking, stating he was there to submit a POA for Ms. Greeley, who is not in attendance. Public comment time was called to close. An exchange occurred between Mr. Hoagland and Mayor Sulka stating that Mr. Hoagland was out of order. Mr. Hoagland was escorted out of Council Chambers by Bluffton Police Department.

Communications from Mayor and Council

Mayor Sulka reported the Roots & River Festival was a wonderful community event.

Attorney Terry Finger, a Board member of the Heritage Classic Foundation recognized Mayor Sulka an Honorary Chairman for 2024. She will serve as a voting member, lead the parade, and conduct the opening ceremonies of the 2024 RBC Heritage.

Public Hearing & Final Reading

1. Consideration of an Ordinance to Amend Chapter 6 of the Code of Ordinances by Authorizing, Establishing, and Adding Section VI, The Economic Development Incentives Program – Second and Final Reading – Chris Forster, Assistant Town Manager

Mayor Pro-Tem Toomer made a motion to approve second and final reading of an Ordinance to Amend Chapter 6 of the Code of Ordinances by Authorizing, Establishing, and Adding Section VI, The Economic Development Incentives Program, Seconded by Councilmember Frazier.

Town Council unanimously approved the second and final reading of this ordinance.

2. Consideration of an Ordinance to Amend Certain Sections of the Town of Bluffton Code of Ordinances Chapter 23 – Unified Development Ordinance, Including Amendments to Article 3 – Application Process, Sec. 3.2 (General Application Approval Process), Sec. 3.14 (Certificate of Construction Compliance), Sec. 3.17 (Certificate of Appropriateness-Highway Corridor Overlay); Sec. 3.18 (Certificate of Appropriateness – Historic District) and Sec. 3.25: (Designation of a Contributing Resource); Article 4 – Zoning Districts, Sec. 4.4.(Conditional Use Standards); Article 5 – Design Standards, Sec. 5.8 (Lot and Building Standards), Sec. 5.11: (Parking), Sec. 5.13 (Signs) and Sec. 5.15 (Old Town Bluffton Historic District); Article 7 - Nonconformities; Article 9 – Definitions and Interpretations, Sec. 9.2 (Defined Terms); Sec. 9.3 (Interpretation of Dimensional Standards) and Sec. 9.4.1 (Description of Land Use and Buildings). – Public Hearing and Final Reading – Kevin Icard, Director of Growth Management

First Motion - Mayor Pro-Tem Toomer made a motion to approve the following certain Amendments to the Town of Bluffton Code of Ordinances Chapter 23 – Unified Development Ordinance, Article 3 – Application Process, Sec. 3.2 (General Application Approval Process, certain text), Sec. 3.14 (Certificate of Construction Compliance), Sec. 3.17 (Certificate of Appropriateness-Highway Corridor Overlay); Article 4 – Zoning Districts, Sec. 4.4.(Conditional

Use Standards); Article 5 – Design Standards, Sec. 5.8 (Lot and Building Standards) and Sec. 5.13 (Signs); Article 7 - Nonconformities; Article 9 – Definitions and Interpretations, Sec. 9.2 (Defined Terms, certain terms); Sec. 9.3 (Interpretation of Dimensional Standards); Sec. 9.4.1 (Description of Land Use and Buildings), Seconded by Councilmember Wood.

Second Motion - Mayor Pro-Tem Toomer made a motion to withdraw the following Amendments to the Town of Bluffton Code of Ordinances Chapter 23 – Unified Development Ordinance, Article 3 – Application Process, Sec. 3.2 (General Application Approval Process, certain text), Sec. 3.18: Certificate of Appropriateness – Historic District and Sec. 3.25: Designation of a Contributing Resource; Article 5 – Design Standards, Sec. 5.11, Parking, Sec. 5.15: Old Town Bluffton Historic District and Sec. 5.15.8.F. (et al): Carriage House Building Form, Sheds & Garden Structures; Article 9 – Definitions and Interpretations, Sec. 9.2: Terms (certain terms, Seconded by Councilmember Frazier.

Town Council unanimously approved the amended list of sections in the first and second motions of this second and final reading of the ordinance.

X. Formal Agenda Items

1. Consideration of Approval of an Initial Master Plan for Parcel B-1 within the Buckwalter Planned Unit Development Consisting of 21.92 Acres that Includes 16.02 Acres of Residential Development and 5.9 Acres of Commercial Development Located at the Northeast Corner of the Intersection of SC Highway 170 and Gibbet Road – Kevin Icard, Director of Growth Management

Mayor Pro-Tem Toomer made a motion to approval of an Initial Master Plan for Parcel B-1 within the Buckwalter Planned Unit Development Consisting of 21.92 Acres that Includes 16.02 Acres of Residential Development and 5.9 Acres of Commercial Development Located at the Northeast Corner of the Intersection of SC Highway 170 and Gibbet Road with conditions, Seconded by Councilmember Frazier.

In a 3-2 vote, Town Council approved the Initial Master Plan. The Developer and Councilmembers plan to meet to further discuss commercial components and affordable housing.

Voting Yea: Mayor Sulka, Mayor Pro-Tem Toomer, Councilmember Frazier

Voting Nay: Councilmember Hamilton, Councilmember Wood

2. Consideration of an Ordinance Approving a Public Private Partnership to Develop and Transfer Ownership of Town Owned Parcels within the Buckwalter Multi County Industrial Park – First Reading – Chris Forster, Assistant Town Manager

Mayor Pro-Tem Toomer made a motion approving a Public Private Partnership to Develop and Transfer Ownership of Town Owned Parcels within the Buckwalter Multi County Industrial Park, Seconded by Councilmember Wood. Town Council unanimously approved.

3. Approval to Authorize a Design and Construction Administration Contract with Infrastructure Consulting & Engineering for Phase 2 of the Pedestrian Pathway Safety Improvements Project (Fiscal Impact: \$174,285.95) - Kimberly Washok-Jones, Director of Projects and Watershed Resilience

Councilmember Wood made a motion to Approval to Authorize a Design and Construction Administration Contract with Infrastructure Consulting & Engineering for Phase 2 of the Pedestrian Pathway Safety Improvements Project, Seconded by Mayor Pro-Tem Toomer. Town Council unanimously approved.

4. Consideration of an Ordinance to Amend the Town of Bluffton Code of Ordinances, to Add a New Section 18-137 Providing that a Person Who Violates Another with the Intent to Intimidate Another Person or Persons in Whole or In Part because of the Actual or Perceived Race, Color, Creed, Religion, Ancestry - Gender, Sexual Orientation, Gender Identity, Physical or Mental Disability or National Origin of the Other Person or Persons is Guilty of the Separate Offense of Hate Intimidation - First Reading - Stephen Steese, Town Manager

Councilmember Frazier made a motion to approve the request to Amend Town of Bluffton Code of Ordinances, to Add a New Section 18-137 Providing that a Person Who Violates Another with the Intent to Intimidate Another Person or Persons in Whole or In Part because of the Actual or Perceived Race, Color, Creed, Religion, Ancestry - Gender, Sexual Orientation, Gender Identity, Physical or Mental Disability or National Origin of the Other Person or Persons is Guilty of the Separate Offense of Hate Intimidation, Seconded by Mayor Pro-Tem Toomer. Town Council unanimously approved the First Reading to Amend the Ordinance, joining Charleston, Columbia, and Greenville with local ordinances. South Carolina is one of two without a Hate Crime Bill.

5. Consideration of Accommodations Tax Advisory Committee Funding Recommendations for Quarter Ending June 30, 2023 - Natalie Majorkiewicz, Director of Finance

This agenda item was removed from the agenda in the beginning of the meeting and remanded back to Accommodations Tax Advisory Committee in light of the fact the unencumbered unpledged funds of Accommodations Tax funds are currently less than the Accommodations Tax Advisory Committee were made aware of at the time of their recommendations.

6. Consideration of an Ordinance Amending the Town of Bluffton Fiscal Year 2024 Budget to Provide for the Expenditures of Certain Funds; and to Allocate Sources of Revenue for the Said Funds to Carryover Unspent Expenditures and Encumbrances from the FY2023 Budget to the FY2024 Budget – First Reading – Natalie Majorkiewicz, Director of Finance

Mayor Pro-Tem Toomer made a motion amending the Town of Bluffton Fiscal Year 2024 Budget to provide for the expenditures of certain funds; and to allocate sources of revenue for the said funds to carryover unspent expenditures and encumbrances from the FY2023 Budget to the FY2024 Budget, Seconded by Councilmember Frazier. Town Council unanimously approved the first reading of the Town of Bluffton Fiscal Year 2024 Budget.

Consent Agenda Items

1. Monthly Department Reports: Police, Finance and Administration, Human Resources, Municipal Court, Projects and Watershed Resilience, Public Services, Don Ryan Center for Innovation, and Growth Management
2. Town Manager Monthly Report

3. Presentation of the Hilton Head Island Bluffton Chamber of Commerce FY23 Quarterly Report - Ariana Pernice, Hilton Head Island Bluffton Chamber of Commerce
4. Consideration of an Ordinance and Ratification of a Non-Exclusive Easement Over Certain Real Property Owned by the Town of Bluffton Consisting of Parcel R610 028 000 1006 0000 in favor of Dominion Energy of South Carolina Inc. for Dominion Energy's System Improvement Project – First Reading – Kimberly Washok-Jones, Director of Projects and Watershed Resilience
5. Consideration of an Ordinance and Ratification of a Non-Exclusive Easement Over Certain Real Property Owned by the Town of Bluffton Consisting of Parcel R610 035 000 0016 0000 in favor of Dominion Energy of South Carolina Inc. for the New River Linear Trail – First Reading – Kimberly Washok-Jones, Director of Projects and Watershed Resilience
6. Consideration of a Resolution Authorizing Acceptance of the 160 Sq. Ft. Easement Donation from Cunningham LLC Consisting of Parcels R610-039-00A-0410-0000 and R610-039-00A-0411-0000 to Install Power Pedestals for the Bridge Street Streetscape Project - Kimberly Washok-Jones, Director of Projects and Watershed Resilience
7. Consideration of Annual Renewal of a Memorandum of Agreement with the South Carolina Department of Juvenile Justice for Secure Detention of Minors – Chief Joe Babkiewicz
8. Consideration of Statewide Mutual Aid Agreement for Emergency and Disaster Response with South Carolina Emergency Management Division – Chief Joe Babkiewicz
9. Consideration of a Contract Amendment to Contract 2020-44 with Waste Management - Derrick Coaxum, Director of Public Services

Councilmember Wood made a motion to approve Consent Agenda Items 1-9 as presented, Seconded by Councilmember Frazier. Town Council approved unanimously.

Executive Session

1. Personnel Matters Regarding Town Council Appointments of Boards, Committees, and Commissions (Pursuant to Freedom of Information Act 30-4-70 [a][1])
2. Contractual Matters Regarding an Intergovernmental Agreement with Beaufort-Jasper Water and Sewer Authority and Beaufort County to Equally Share in the Costs to Transition Connections from Septic to Sewer in the Stoney Creek. (Pursuant to Freedom of Information Act 30-4-70[a][2])

Action from Executive Session

Town Council unanimously approved the removal of Carmen Manning from the May River Watershed Action Plan Advisory Committee.

Adjournment

Councilmember Wood made a motion for adjournment at 7:50 PM, Seconded by Councilmember Frazier. The motion carried unanimously.