

## BLUFFTON TOWN COUNCIL MEETING MINUTES

March 14, 2023

Mayor Sulka called the meeting to order at 5 P.M. Council members present were Larry Toomer, Bridgette Frazier, Fred Hamilton, and Dan Wood. Town Manager Stephen Steese, Chief of Police Joe Babkiewicz, Assistant Town Manager Chris Forster, Assistant Town Manager Heather Colin, Town Clerk Kimberly Gammon, and Town Attorney Terry Finger were also present.

The pledge and invocation were given by Fred Hamilton.

### Adoption of the Agenda

**Toomer made a motion to adopt the agenda as presented with the exception of moving the Consent Agenda to Item VI. after Presentations, Celebrations, and Recognitions. Hamilton seconded.**

### Adoption of the Minutes

Regular Meeting Minutes of February 14, 2023

**Frazier made a motion to approve the Regular Meeting Minutes of February 14, 2023, with the following change: The motion made in February that stated "Toomer moved to authorize the Town Manager to approve a Change Order to contract # 2021-30 with Thomas and Hutton Engineering Company in the amount of \$71,600.00 to complete Civil Engineering Services for the Boundary Street Streetscape Project. Wood seconded. The motion carried unanimously." be changed to reflect the correct Contract #, which is Contract # 2021-31. Toomer seconded. The motion carried unanimously.**

### Presentations, Celebrations and Recognitions

Mayor Sulka acknowledged the Beaufort County School District Student of the Month, Hank Fisher, a Kindergartener from M.C. Riley Elementary School, for the character trait of Perseverance.

An Update on the Regional Housing Trust Fund (RHTF) was given by Courtney Hampson, Town of Bluffton Representative. Hampson stated that the jurisdiction interviews have been completed and they are currently in the process of developing a pipeline of potential projects. The bylaws have been adopted and signed to further establish the trust as a nonprofit. The top five priorities have been voted on and are as follows: further develop the pipeline, project prioritization, asset survey, incentives inventory, and funding. The budget has also been reviewed.

Most recently, Senator Davis updated the board on his funding request to support workforce/affordable housing with a \$5M earmark specifically for the Beaufort Jasper Housing Trust Fund. Bill S.284 would allow ATAX and HTAX to be eligible for use for affordable/workforce housing. Eric Greenway was asked to testify before the Senate Committee concerning this Bill.

The next steps include finalizing the legal incorporation and the letter of intent process and make an official launch of funding availability by the end of March to determine project readiness. In addition to this, the plan is to accept full applications by May with the goal to approving all projects by June.

### 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. Hilton Head Island Bluffton Chamber of Commerce FY23 Quarterly Report - Ariana Pernice, Hilton Head Island Bluffton Chamber of Commerce
4. Consideration of a Resolution Authorizing Acceptance of the 959.04 Sq. Ft. Easement Donation from Heritage at New Riverside Community Association to Complete the New River Linear Trail Project - Kimberly Washok-Jones, Director of Projects and Watershed Resilience
5. Consideration of Approval of Memorandums of Agreement (MOAs) between the Town of Bluffton and Beaufort County Regarding the Bomb Squad, Canine Unit, Marine Patrol, Special Weapons and Tactics Team (SWAT), and the Violent Crimes Task Force - Chief Joe Babkiewicz
6. Consideration of Approval of a Resolution to Update the Town of Bluffton Employee Handbook - Anni Evans, Director of Human Resources
7. Consideration of a Resolution Pledging to Practice and Promote Civility in the Town of Bluffton - Stephen Steese, Town Manager
8. Consideration of a Resolution for Proposed Contractual Agreement Relating to Master Service Agreement for As Needed, On Call Electrical Services - Derrick Coaxum, Director of Public Services
9. Consideration of a Resolution Adopting the Rules and Protocols for Public Comment - Stephen Steese, Town Manager

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

#### Public Comment

Lynn Greely, 8 Wax Myrtle Lane, Hilton Head Island – Greely approached the podium and presented a document that she stated was a Power of Attorney and that she wished to give her three-minute speaking period to Skip Hoagland. Attorney Finger reviewed the POA that Greely presented and stated that her document was not valid under various provisions of the South Carolina Uniform Power of Attorney Act. (This document is on file in the Town Clerk's Office.) Hoagland was told that he would be permitted to speak for three minutes only and that the document that was presented would not be accepted per the Town of Bluffton's Public Comment Rules and Protocols. Hoagland was ultimately escorted out of Council Chambers after a short recess by Bluffton Police.

Ashley Bodden, Miss. Bluffton 2023 – Ms. Bodden spoke about her initiative as Miss Bluffton Teen being raising awareness of and ending the stigma of mental health struggles that athletes and students experience. She stated that she will be getting out into the local schools and talking with students about the struggles of mental health.

#### Communications from Mayor and Council

All members of Town Council stated how disappointed they were. Hamilton spoke about being civil. Wood stated how unfortunate the Town of Bluffton and other municipalities are under assault from Mr. Hoagland.

Frazier told Ashley Bodden that she was interested in supporting her efforts and to let the Town know how we can assist her.

Sulka stated that the Town of Bluffton is a wonderful place to live, work and volunteer. She stated that there will be upcoming vacancies on Town Board, Commissions, and Committees.

Attorney Finger stated that prior to the start of the Council meeting, he spoke with Skip Hoagland and let him know that he was limited to three minutes whether or not he had a Power of Attorney or if someone wanted to give him their three-minute time period. Mr. Hoagland stated that the rules that the Town of Bluffton has do not matter and the only rule that does is the First Amendment. He told Finger that he did not care what Rules and Protocols that Town Council adopted, he intended to do whatever he wanted, which is ultimately what happened.

#### Formal Agenda Items

#### Consideration of Accommodations Tax Advisory Committee Funding Recommendations for Quarter Ending December 31, 2022 - Natalie Majorkiewicz, Assistant Director of Finance

#### Consideration of an Ordinance Amending the Town of Bluffton FY 2023 Budget to Provide for the Expenditures of Certain Funds and to Allocate Sources of Revenue for the Said Funds – Second and Final Reading – Chris Forster, Assistant Town Manager

There has been an increase in participation in the Neighborhood Assistance Program as well as an increase to the cost of repairs than in prior years. The increase in cost is also being experienced in Capital Improvement Projects with the bid responses received by the Town being higher than what has been originally budgeted. Further detail is described in each fund below.

**General Fund** - This Budget Amendment includes an increase to the General Fund budget by \$100,000 to reflect \$100,000 increase to the Neighborhood Assistance Program with ARPA fund balance. These funds will be used for:

- General Fund revenue increases to cover:
  - Neighborhood Assistance Program \$100,000
    - ARPA fund balance \$100,000
    - Approximately \$238,615 remaining in ARPA fund balance.
- Change in Police Department personnel – no impact to budget.
  - Victim's Advocate parttime position moved to fulltime.
  - Total fulltime headcount will now be 150 and parttime positions will now be 11

**Capital Improvements Program Fund (CIP)** – This budget includes an increase to the CIP budget by \$1,771,382 to reflect FY 2023 budget amendments due to increase in costs from bid responses for the following projects:

- Buck Island-Simmons ville Sewer Phase 5 \$1,066,905
- Sewer Connections Policy \$259,024
- Historic District Sewer Extension Phase 2 \$435,489
- Historic District Sewer Extension Phase 3 \$9,964

In order to address the budget impact, changes to funding sources are required to the following project:

- Transfers In from Hospitality Tax:
  - Historic District Sewer Extension Phase 2 \$242,345

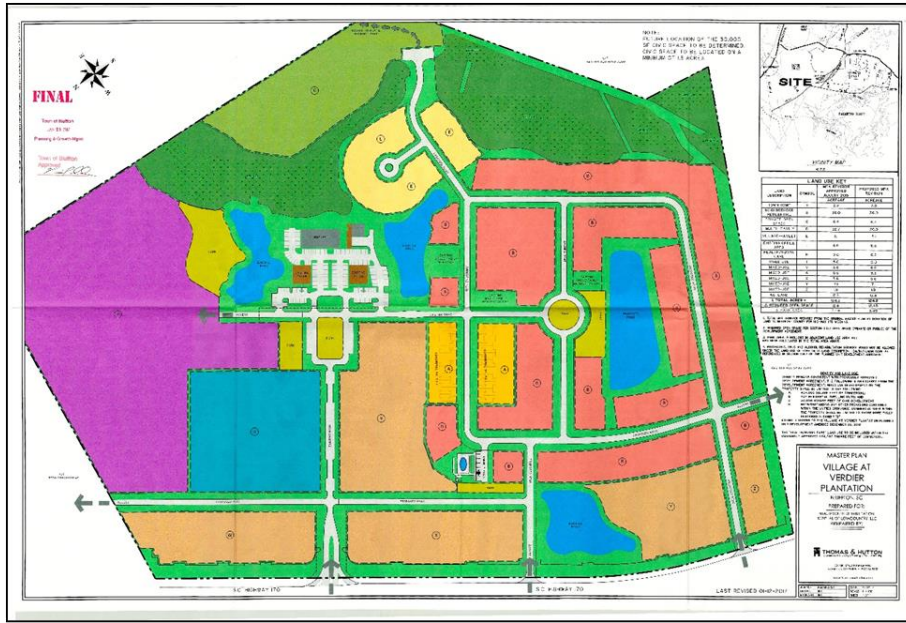
- Historic District Sewer Extension Phase 3 \$61,109
- Historic District Sewer Extension Phase 4 \$41,216
- Historic District Sewer Extension Phase 5 \$50,865
- Historic District Sewer Extension Phase 6 \$162,369
- Transfers In from Hospitality Tax (Cont.):
  - May River Action Plan Impervious Restoration/Water Quality Projects \$32,190
  - Pritchard Street Drainage Improvements \$35,430
- Transfers In from Local Accommodations Tax:
  - Historic District Sewer Extension Phase 2 \$121,173
  - Historic District Sewer Extension Phase 3 \$30,555
  - Historic District Sewer Extension Phase 4 \$20,607
  - Historic District Sewer Extension Phase 5 \$25,210
  - Historic District Sewer Extension Phase 6 \$32,218
  - Bridge Street Streetscape \$589,454
  - May River Action Plan Impervious Restoration/Water Quality Projects \$32,190
  - Pritchard Street Drainage Improvements \$35,430
- Transfers In from Stormwater Fund:
  - Sewer Connections Policy \$259,024

**Toomer made a motion to approve the Second and Final Reading of an Ordinance Amending the Town of Bluffton Fiscal Year 2023 Budget to Provide for the Expenditures of Certain Funds and to Allocate Sources of Revenue for the Said Funds. Wood seconded. The motion carried unanimously.**

Consideration of Approval of an Amendment to the Master Plan for Village at Verdier within the Village at Verdier Planned Unit Development to Remove a Previously Approved Residential Access Point and a Previously Approved Road on Approximately 124.2 Acres Located East of SC Highway 170 at Seagrass Station Road – Kevin Icard, Director of Growth Management

Icard presented, and Walter Nester represented the Applicant. The Village at Verdier Development Agreement and Initial Master Plan were originally approved in 2002. Since 2002, the Village at Verdier Master Plan has been amended twice, with the most recent amendment approved by Town Council on January 10, 2017. While the subject parcels of this master plan amendment request are currently vacant, portions of the Village at Verdier PUD have been developed. There are existing paved roads, utility infrastructure and developed residential and commercial areas. The current master plan shows Parcel X as having access from Seagrass Station Road and directly from SC Highway 170, while Parcels Y and Z share an access directly from SC Highway 170. All three parcels also have internal access from the Seagrass Station residential development in Parcel B.

The Applicant is acting on behalf of Charlie and Brown LLC (the developer), who are the current owner of Parcels Y and Z, and are currently under contract to purchase Parcel X. The developer is proposing a Car Village facility for an automotive enthusiast's club on Parcels Y and Z, which includes buildings for private and common use by members of the club. This use was approved as a permitted use by the Town of Bluffton Board of Zoning Appeals on June 28, 2022.



Existing Master Plan



Proposed Master Plan

A preliminary development plan for the proposed Car Village development was heard at the September 21, 2022, meeting of the Development Review Committee. While the current master plan shows a through road connection between Parcels Y and Z from SC Highway 170 to the residential properties in Parcel B, the preliminary site plan for the proposed Car Village development shows the road as gated access/emergency access. The Applicant has provided a letter from the Seagrass Station Single Family Homeowners Association stating that "68% of the (homeowner) membership prefer an emergency access only gate between Hagar Road and Car Village to be constructed at the sole expense of the owners of Car Village". Town Staff also met with the Seagrass Station HOA Community Manager

who verified that the homeowners in Seagrass Station would prefer that the road connection serve as emergency access only and not a permanent through street.

The master plan amendment also requests the removal of the parallel road in Parcel X. The removal of this road from the master plan does not change the overall density cap for commercial development in the Village at Verdier PUD.

Comments on the current master plan amendment were reviewed at the November 23, 2022, meeting of the Development Review Committee (Attachment 9). The Applicant addressed the DRC comments in a December 2, 2022, resubmittal that included a traffic memo addressing the traffic impacts of the proposed roadway changes requested in this master plan amendment. The purpose of this traffic memorandum is to show traffic impacts of the proposed roadway changes compared to the currently approved Village at Verdier Master Plan. In the summary of the traffic memorandum, it is noted that “Based on the capacity analysis, removing access to Hager Street will have a minimal impact on the surrounding roadway network”.

The Town of Bluffton’s Planning Commission voted at the January 25, 2023, meeting to recommend to Town Council to approve the Village at Verdier Master Plan Amendment subject to the following conditions:

1. Replace a previously approved residential road connection between Parcels Y and Z with a gated, emergency access road; and
2. Remove a previously approved road in Parcel X.

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

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

*Finding. The requested master plan amendment results in minor modifications to the transportation network.*

The vision of the Village at Verdier master plan is to create a mixed-use, live-work-play community, which is consistent with the Comprehensive Plan’s vision of a balance of land uses to ensure a high quality of life, business opportunity, environmentally protected areas and proper placement of commercial uses.

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

*Finding. The application is consistent with the Town of Bluffton Zoning and Development Standards Ordinance that applies to the Village at Verdier Plantation Planned Unit Development Master Plan.*



The Village at Verdier was designed to be a mixed-use development divided into five planning areas. The parcels that are the subject of this amendment are within the Commercial Area and the use has been established as a permitted use.

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

*Finding. The application is consistent with the provisions of the Village at Verdier Development Agreement.*

The proposed change to the Master Plan will not affect the permitted uses or overall density cap for commercial development.

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

*Finding. The application is compatible with the surrounding area.*

The application does not request a change in land use or an increase in development density. The change in traffic circulation is supported by the adjacent homeowner's association and the submitted traffic report finds that removing the parallel road and the access to Hagar Street will have minimal impact on the surrounding road network.

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

*Finding. The property is able to be served by adequate public services.*

*The Village at Verdier Development Agreement has previously provided an analysis and mitigation measures on the impact on transportation, utilities, and community services within. In addition, the Applicant has provided a traffic report that finds that removing the parallel road and the access to Hagar Street will have minimal impact on the surrounding road network.*

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

*Finding. The Master Plan includes innovative site planning techniques that enhance the Town's health, safety, and welfare.*

The vision of the Village at Verdier master plan is to create a mixed-use, live-work-play community. The site is being developed using the best practices in stormwater management and design guidelines. Pedestrian connections will be provided to connect the development to the existing pedestrian network and proposed commercial development along SC Highway 170.

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

*Finding. The requested amendment to the master plan does not impact the previously approved densities and land use intensities of the Village at Verdier Development Agreement and Master Plan.*

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

*Finding. The requested master plan amendment results in minor modifications to the transportation network and is in conformance with adopted or accepted plans, policies, and practices of the Town.*

**Wood made a motion to table the request to Approve an Amendment to the Master Plan for Village at Verdier within the Village at Verdier Planned Unit Development to Remove a Previously Approved Residential Access Point and a Previously Approved Road on Approximately 124.2 Acres Located East of SC Highway 170 at Seagrass Station Road. Hamilton seconded. The motion carried unanimously.**

Consideration of an Ordinance Ratifying a Non-Exclusive Easement Over Certain Real Property Owned by the Town of Bluffton Consisting of Parcel R610 036 000 1319 0000 in favor of Dominion Energy of South Carolina Inc. for the New Riverside Barn Park – Second and Final Reading – Kimberly Washok-Jones, Director of Projects and Watershed Resilience

Jones presented and stated that the 37-acre New Riverside Barn property was purchased in December 2018 for the purpose of creating a community open space for civic gatherings and passive recreation. A Conceptual Master Plan was prepared and presented to Town Council in October of 2020. With the approval of the FY 21-22 Strategic Plan, Town Council authorized Town Staff to proceed with Phase 1 Site Development Plans for construction of the necessary infrastructure to prepare the park to be open to the public including work such as clearing and grubbing, grading paving, stormwater drainage infrastructure, and utility installation.

Town Council approved the construction contract with JS Construction Services for Phase 1 at the October 2022 Town Council meeting and construction began in January 2023. Future phases will include, but may not be limited to, a restroom, playground, landscape construction and renovation/additions to the existing barn. Future improvements are planned to start construction in the Summer 2023 under a Construction Manager at Risk contract.

Extending electrical services are currently needed to provide power for Phase 1 and all future development. An electrical utility location has been identified.



This permanent, non-exclusive easement in Dominion's favor allows them the right to:

1. Construct, extend, replace, relocate, perpetually maintain and operate an overhead or underground electric line or lines consisting of any or all of the following: poles, conductors, lightning protective wires, municipal, public or private communication lines, cables, conduits, pad mounted transformers, and other accessory apparatus and equipment deemed by Dominion to be necessary or desirable, upon, over, across, through and under land contained in the easement;
2. The right, but not the obligation, to trim, cut or remove trees, underbrush and other obstructions that are within, over, under or through a strip of land ("Easement Space") extending fifteen (15) feet on each side of any pole lines and five (5) feet on each side of any underground wires and within, over, under or through a section of land extending twelve (12) feet from the door side(s) of any pad mounted transformers, elbow cabinets, switchgears or other devices as they are installed; and
3. Any damage to the property of Town other than that caused by trimming, cutting or removing caused by Dominion in maintaining or repairing said lines, shall be borne by Dominion.

The easement states the Town agrees to the following:

1. Not to build or allow any structure to be placed on the premises in such a manner that any part thereof will exist within the specified Easement Space.
2. In case such structure is built, then the Town will promptly remove the same upon demand of Dominion.
3. The Town further agrees to maintain minimum ground coverage of thirty-six (36) inches and maximum ground coverage of fifty-four (54) inches over all underground primary electric lines; and

The Town grants right of entry upon easement area for all the above listed purposes.

Jones stated that there have been no changes since First Reading in February.

**Toomer made a motion to approve the Second and Final Reading of an Ordinance to execute and Ratify all Prior Actions Related to the Easement Agreement involving Town Property located at 30 Red Barn Drive based on Documents and Exhibits provided by Dominion Energy of South Carolina, Inc. Frazier seconded. The motion carried unanimously.**

Approval to Authorize a Construction Contract to Jordan Construction of Hilton Head, Inc. for Phase 2 and 3 of the Historic District Sewer Extension Project (Fiscal Impact - \$1,400,411.75) - Kimberly Washok-Jones, Director of Projects and Watershed Resilience

Staff solicited bids and received one response, Jordon Construction of Hilton Head, Inc., on the advertised due date of January 17, 2023.

Jones stated that staff requests that Town Council authorize the Town Manager to execute a Contract with Jordan Construction of Hilton Head, Inc. to provide construction services for Phase 2 and 3 of the Historic District Sewer Extension Project in the amount of \$1,400,411.75. In addition, Staff requests a 20% contingency allowance to cover any unforeseen changes that may arise during construction. The total contract amount is within the approved, amended budget limits established with the Adopted Consolidated Municipal Budget for Fiscal Year 2023.

The contract will include the construction of the second and third phases of sewer within the Historic District. The project consists of approximately 1,136 linear feet of 8" sewer main and the abandonment of 17 septic tanks.

**Toomer moved to authorize the Town Manager to enter into an Agreement with Jordan Construction of Hilton Head, Inc. for Phase 2 and 3 of the Historic District Sewer Extension Project. The Agreement includes a commitment from the Town of Bluffton for \$1,400,411.75 and a 20% contingency to be paid from the appropriate Town Funds. Hamilton seconded. The motion carried unanimously.**

**Wood made a motion at 7:32 P.M. to go into Executive Session to discuss the aforementioned items. Frazier seconded. The motion carried unanimously.**

Executive Session

1. Legal Advice from Town Attorney Regarding Dedication Naming of Town Owned Property (Pursuant to SC Freedom of Information Act 30-4-70 [a][2])
2. Contractual Matters Relating to a Public Private Partnership to Develop Workforce and Affordable Housing at 1095 May River Road (Pursuant to South Carolina Freedom of Information Act 30-4-70 [a][5])

Council exited Executive Session at 7:21 P.M. No motions were made, and no votes were cast.

**Toomer made a motion to adjourn at 7:22 PM. Hamilton seconded.**

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Lisa Sulka, Mayor

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Kimberly Gammon, Town Clerk