

# Regular Town Council Meeting

Theodore D. Washington Municipal Building, Henry “Emmett” McCracken Jr. Council Chambers, 20  
Bridge Street, Bluffton, SC

September 10, 2024

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This meeting can be viewed live on [BCTV](#), on Hargray Channel 9 and 113 or on Spectrum Channel 1304.

## I. CALL TO ORDER

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

## II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Larry Toomer.

## III. INVOCATION

The Invocation was given by Mayor Pro-Tempore Wood.

## IV. ADOPTION OF THE MINUTES

### 1. Regular Meeting Minutes of 08/13/2024

A motion was made by Mayor Pro-Tempore Wood; Seconded by Councilmember Frazier to approve the Regular Meeting Minutes of 08/13/2024 as submitted.

## V. PRESENTATIONS, CELEBRATIONS, AND RECOGNITIONS

### 1. Ovarian Cancer Month Proclamation - Mayor Larry Toomer

Mayor Larry Toomer, on behalf of Town Council, honored Ovarian Cancer Awareness Month with the Proclamation and the display of teal ribbons on all town facilities for the month.

### 2. Suicide Prevention Awareness Month Proclamation - Mayor Larry Toomer

Mayor Larry Toomer, on behalf of Town Council, honored Suicide Prevention Awareness Month with a proclamation. Representatives Ashlyn Elrod and Kyra Pasqualone from “Teens for Healthy Youth” accepted the proclamation.

### 3. Special Recognition: Lt. Ryan Fazekas and Lt. Michelle Meyers - Chief Joe Babkiewicz, Bluffton Police Department

Bluffton Police Chief Joe Babkiewicz gave special recognition to: Lt. Ryan Fazekas has been selected to attend the 292nd session of the FBI National Academy. Three people from South Carolina law enforcement agencies are selected to attend each session. This 8-week leadership course is located in Quantico, Virginia and is acknowledged as one of the premier training courses for law enforcement leaders.

Chief Babkiewicz also recognized Lt. Michelle Meyers for being nominated for the International Association of Chiefs of Police “40 Under 40 Award.” This award is given out to 40 of the best law enforcement leaders from across the world who are under the age of 40 years old. Lt. Meyers is the second recipient from Bluffton Police Department to receive this prestigious award.

## VI. PUBLIC COMMENT

Lynn Greeley 8 Wax Myrtle Ln - Ms. Greeley expressed her concerns of development, overdevelopment, preservation and the annexation request of the Grande Oaks Commons Land Use Tract.

Kim Hart 4 W. Chelsea - Ms. Hart spoke of her concerns regarding the annexation request of the Grande Oaks Commons Land Use Tract, wildlife and traffic.

Skip Hoagland 61 Sparwheel Ln - Spoke of corruption in local government, and the annexation request of the Grande Oaks Commons Land Use Tract.

Jordan Holloway 1060 S. Innovation Dr - Mr. Holloway expressed his concerns regarding the proposed location of the road connection into the Retreat at Grande Oaks. Concerns were shared regarding the burden to the POA associated with the cost of road maintenance expenses due to the Phase 5B realignment, the existing reduction in the existing street width and the limited financial resources of the 50-home subdivision.

Sharon Brown 163 Buck Island Rd - Ms. Brown spoke of injustices to people of color during traffic stops. She has requested a meeting to discuss police protocol in traffic stops, citizen request and educating the community and students of proper protocol and how to handle themselves.

Joy Coe 5 Cottingham Rd - Ms. Coe was not able to attend. Mr. Eric Reba was permitted to speak on behalf of Ms. Coe. He had numerous questions for Council in relation to the annexation request of the Grande Oaks Commons Land Use Tract and recommended voting no for the construction of Phase 5B of the Bluffton Parkway.

Danny Thornberry 333 Green Leaf Way - Board President of Shell Hall - Mr. Thornberry has expressed opposition and voting no to the annexation of the Grande Oaks Commons Land Use Tract and Phase 5B of the Bluffton Parkway. Numerous questions were asked in relation to the preparation to the annexation, cost associated, notifications being made to community members and the studies conducted to provide proper information in the decision-making process.

Nancy York 33 Greenwood Dr - Ms. York expressed opposition of Phase 5B and of developer, Mr. John Reed.

Derrick Bolden 17 Ballfield Rd - Mr. Bolden discussed the Stanley Martin Development, located on Buck Island Road, using Ballfield Road as an access point to haul loads of dirt associated with the construction of the community. He had questions for council regarding the ownership of the road and who owns the road allowing the usage.

Frank Barbieri 71 Fording Court - Mr. Barbieri requested Council entertain the recommendation of revisiting the preexisting PUD's that were developed 20 +/- years ago to prevent falling behind on critical items such as coverage from Fire, Police, EMS and schools to ensuring the children are in proper learning environments.

## VIII. COMMUNICATIONS FROM MAYOR AND COUNCIL

Mayor Pro-Tempore Wood - Councilman Wood made a brief statement to relay the concerns of Phase 5B. He advised the views are his and his alone, not that of Town Council. The information addressed was regarding the Penny Sales Tax Referendum dating back to 2006. Without discussing information with Town Council, the Beaufort County Council withdrew its support of 5B

for political reasons, in hopes it may help the 2024 referendum pass. There was to be a joint study conducted to determine if 5B was warranted. The county decided it was in their best interest to not know the answer to a study. The Town of Bluffton has engaged in a professional study of 5B to collect the information needed for its viability. When the study comes back, it will be shared openly with everyone in our town. The study is to be completed after the November election and to be completed by the end of the year.

Councilmember Frazier - Ms. Frazier thanked town staff for an amazing inaugural concert series. It was a great turn out and event. She went on to add an admonishment regarding an ongoing climate within the community abroad regarding government. She encourages all colleagues, community leaders and residents to lead with facts, foresight and everyone in mind not that of fear, hate or misinformation. All community members are welcomed at Town Council meetings and all other meetings and workshops held within the town. She praised town staff and the commissions for the time and work put into keeping information transparent.

Councilmember Burden- Ms. Burden expressed her gratitude for community members attending the meeting. She stated there is a misrepresentation of what is actually being discussed regarding 5B. Phase 5B is not being talked about at this meeting. The topic is being discussed is the 5B right-of-away donation that is already legally obligated by University Investments from a document from 2011. She has encouraged everyone to stay, listen to the presentation and be informed.

Councilmember Hamilton- Mr. Hamilton expressed his gratitude for the community coming out this evening to express their concerns. He apologized for the public being misinformed and not being corrected. He echoes the sentiments of Councilmember Wood referencing the study being conducted and the dissemination of the information. He encourages involvement to support the greater need of Bluffton. Mr. Hamilton has requested Stephen Steese and Heather Colin partner with Derrick Bolden to address and relay information to him regarding Ballfield Road.

Mayor Toomer- Mayor Toomer also expressed his gratitude for the community members coming out to attend the meeting. He encourages the participation and the need to hear the voices of the community the assist in doing a better job for the community.

## **VIII. FORMAL AGENDA ITEMS**

1. Consideration of an Ordinance Authorizing an Economic Development Incentive Agreement Between the Town of Bluffton and Reed Commercial Partners. Second and Final Reading - Chris Forster, Assistant Town Manager

A. Raider Drive Commercial Flex Building of Approximately Ten Thousand (10,000) Square Feet.

A motion was made by Councilmember Frazier, Seconded by Councilmember Hamilton authorizing an Ordinance for an Economic Development Incentive Agreement between the Town of Bluffton and Reed Commercial Partners for the Raider Drive Commercial Flex Building of approximately ten thousand (10,000) square feet. Town Council unanimously approved this ordinance.

B. Parkway Offices at Hampton Lakes Consisting of Three (3) Buildings Totaling Approximately Twenty-Eight Thousand (28,000) Square Feet.

A motion was made by Councilmember Hamilton, Seconded by Councilmember Frazier authorizing an Ordinance for an Economic Development Incentive Agreement between the Town of Bluffton and Reed Commercial Partners for the Parkway Offices at Hampton Lakes Consisting of three (3) buildings totaling approximately twenty-eight thousand (28,000) square feet. Town Council unanimously approved this ordinance.

2. Consideration of Ordinances Related to Property Owned by Grande Oaks, LLC and University Investments, LLC Consisting of 65.592 Acres, More or Less, Located at Southwest Corner of the Buckwalter Parkway and Lake Point Drive Intersection and to the West of the Retreat at Grande Oaks, and Bearing Beaufort County Tax Map Nos. R600-029-000-0014-0000 (Portion) and R600-029-000-2410-0000. First Reading - Kevin Icard, Director of Growth Management

For the Following Applications:

- A. Consideration of an Amendment to the Town of Bluffton Comprehensive Plan "Blueprint Bluffton" to Amend the Said Property's Future Land Use Designation from Suburban Living to Neighborhood Center;

A motion made by Mayor Pro-Tempore Wood, Seconded by Councilmember Hamilton to approve the First Reading of the Ordinance for the Amendment of the Town of Bluffton Comprehensive Plan "Blueprint Bluffton" to Change Beaufort County Tax Map Nos. R600-029-000-2484-0000, R600-029-000-2486-0000, R600-029-000-0014-0000, and R600-029-000-2410-0000 Future Land Use Designation From Suburban Living to Neighborhood Center. Town Council unanimously approved this amendment.

- B. Consideration of 100% Annexation Request to Annex the Subject Properties into the Town of Bluffton Corporate Limits;

A motion made by Councilmember Hamilton, Seconded by Councilmember Frazier to approve the First Reading of the Ordinance for the Amendment of the Buckwalter Planned Unit Development Text to Incorporate Provisions for a New Land Use Tract to be Known as the Grande Oaks Commons Land Use Tract. Town Council unanimously approved this amendment.

- C. Consideration of a Text Amendment to the Buckwalter Planned Unit Development to Create a New Land Use Tract to be Known as the Grande Oaks Commons Land Use Tract;

A motion made by Councilmember Frazier, Seconded by Councilmember Hamilton to approve the First Reading of the Ordinance for the Annexation of the Grande Oaks property consisting of 65.592 Acres, More or Less, Located at Southwest Corner of the Buckwalter Parkway and Lake Point Drive Intersection and to the West of the Retreat at Grande Oaks, and Bearing Beaufort County Tax Map Nos. R600-029-000-2484-0000, R600-029-000-2486-0000, R600-029-000-0014-0000, and R600-029-000-2410-0000 into the Town of Bluffton Corporate Limits. Town Council unanimously approved the ordinance.

- D. Consideration of a Zoning Map Amendment to Rezone the Subject Properties to the Buckwalter Planned Unit Development District and Designate as the Grande Oaks Commons Land Use Tract;

A motion made by Councilmember Burden, Seconded by Councilmember Hamilton to approve the First Reading of the Ordinance for the Amendment of the Zoning Map Amendment for Approximately 65.592 Acres, More or Less, Located at Southwest Corner of the Buckwalter Parkway and Lake Point Drive Intersection and to the West of the Retreat at Grande Oaks, and Bearing Beaufort County Tax Map Nos. R600-029-000-2484-0000, R600-029-000-2486-0000, R600-029-000-0014-0000, and R600-029-000-2410-0000, as Buckwalter Planned Unit Development. Town Council unanimously approved this ordinance.

- E. Consideration of an Amendment to the Buckwalter Planned Unit Development Concept Plan for the Subject Properties to Add Provisions Including but not Limited to their Incorporation into the Buckwalter Planned Unit Development District, Designation as the Grande Oaks Commons Land Use Tract, and Add 32 Acres of General Commercial Development Rights; and

A motion made by Councilmember Burden, Seconded by Councilmember Hamilton to approve with conditions the First Reading of the Ordinance for the Amendment to the Buckwalter Development Agreement to add the following provisions:

Add detailed language to the 13<sup>th</sup> Amendment document for the following:

Transfer of additional commercial development rights into the Grande Oaks Commons Land Use Tract is prohibited. Town council unanimously approved the ordinance with conditions.

- F. Consideration of an Amendment to the Buckwalter Development Agreement for the Subject Properties to Add Provisions Including but not Limited to their Incorporation into the Buckwalter Planned Unit Development District, Designation as the Grande Oaks Commons Land Use Tract, and Add 32 Acres of General Commercial Development Rights.

A motion was made by Councilmember Hamilton, Seconded by Mayor Pro-tempore Wood to approve with conditions the First Reading of the Ordinance for the Amendment to the Buckwalter Development Agreement to add the following provisions:

Town Council unanimously approved the ordinance with conditions.

3. Amendments to the Town of Bluffton's Municipal Code of Ordinances, Chapter 23, Unified Development Ordinance (UDO), Article 4 - Zoning Districts and Article 5 – Design Standards to Establish a Planned Unit Development District for Bluffton Village and Related Standards, and to Add Appendix A to Include the Master Plan, Building and Sign Standards from the Soon-to-Expire Bluffton Village Development Agreement. First Reading - Kevin Icard, Director of Growth Management

A motion made by Mayor Pro-Tempore Wood, Seconded by Councilmember Burden to approve the following amendments to the Town of Bluffton Code of Ordinances Chapter 23 - Unified Development Ordinance, article 5 - Design Standards to Establish a Planned Unit Development District for Bluffton Village and Related District Standards from the Soon-to-Expire Bluffton Village Development Agreement.

Town council unanimously approved the amendments.

4. Approval to Authorize an Agreement with Flock Safety for Phase I of the New Camera Purchase and Integration Plan (Fiscal Impact \$163,550.00 and Annual Recurring Costs \$74,500.00). Chief Joe Babkiewicz, Bluffton Police Department

A motion made by Council Member Burden, Seconded by Mayor Pro-Tempore Wood to approve authorizing the Town Manager to enter into a contract with Flock Safety for Phase 1 of the new camera purchase and integration plan for a fiscal impact of \$163,550.00 and annual recurring costs of \$74,500.00.

Town Council approved the agreement in a 4-1 vote. Councilmember Frazier abstained.

5. Consideration of an Ordinance Amending the Town of Bluffton Fiscal Year 2025 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 FY2024 Budget to the FY2025 Budget. First Reading - Natalie Majorkiewicz, Director of Finance

A motion made by Mayor Pro-Tempore Wood, Seconded by Councilmember Hamilton to approve the First Reading of an Ordinance Amending the Town of Bluffton Fiscal Year 2025 Budget to Provide for the Expenditures of Certain Funds; commit additional funds to the Capital Asset Reserve Fund; and to Allocate Sources of Revenue for the Said Funds to Carryover Unspent Expenditures and Encumbrances from the FY2024 Budget to the FY2025 Budget.

Town Council unanimously approved the first reading of the ordinance.

6. Consideration of Accommodations Tax Advisory Committee Funding Recommendations for Quarter Ending June 30, 2024. Natalie Majorkiewicz, Director of Finance
  - A. Arts & Seafood Festival requesting \$80,000
  - B. Coastal Conservation Association requesting \$10,000
  - C. Boys & Girls Club of the Lowcountry requesting \$23,500
  - D. Historic Bluffton Foundation requesting \$40,000
  - E. Historic Bluffton Foundation requesting \$5,000

The following motions were made for the Consideration of Accommodations Tax Advisory Committee Funding Recommendations for Quarter Ending June 30, 2024.

- A. Historic Bluffton Arts & Seafood Festival Inc.: \$80,000

A motion made by Councilmember Frazier, Seconded by Councilmember Hamilton to grant Historic Bluffton Arts and Seafood Festival Inc. \$80,000 in support of the Historic Bluffton Arts and Seafood Festival as presented in the Staff Report breakdown for advertising and promotion of tourism, municipality services, public facilities, and tourist transportation expenses.

Town Council unanimously approved the funding request for the Historic Bluffton Arts and Seafood Festival. Mayor Toomer recused himself front his item.

- B. Coastal Conservation Association Requesting \$10,000

A motion made by Councilmember Burden, Seconded by Councilmember Frazier to grant the Coastal Conservation Association \$10,000 in support of the 2024 Celebrating Conservation Weekend in Bluffton project as presented in the Staff Report breakdown for advertising and promotion expenses.

Town Council unanimously approved the funding request for the Coastal Conservation Association.

C. Boys & Girls Club of the Lowcountry requesting \$23,500

A motion made by Councilmember Hamilton, Seconded by Councilmember Burden to grant the Boys & Girls Club of the Lowcountry \$23,500 in support of the Bike Bluffton event for 2024 as presented in the Staff Report breakdown for advertising and promotion expenses.

Town Council unanimously approved the funding request for the Bluffton Boys & Girls Club of the Lowcountry.

D. Historic Bluffton Foundation requesting \$40,000

A motion made by Mayor Pro-Tempore Wood, Seconded by Councilmember Hamilton to grant Historic Bluffton Foundation \$40,000 for fiscal year 2025 quarterly applications from October 1, 2024 through December 21, 2024 for Welcome Center services.

Town Council unanimously approved the \$40,000 for the Historic Bluffton Foundation.

E. Historic Bluffton Foundation requesting \$5,000

A motion made by Mayor Pro-Tempore Wood, Seconded by Councilmember Burden to grant Historic Bluffton Foundation \$3,200 the Luke Peeples Music Celebration project as presented in the Staff Report breakdown for eligible expenses.

Town Council in a vote of 4-0, approved the \$3,200 of the \$5,000 request for the Historic Bluffton Foundation. Councilmember Hamilton abstained.

## IX. CONSENT AGENDA ITEMS

A motion made by Mayor Pro-Tempore Wood, Seconded by Councilmember Frazier to approve the Consent Agenda as submitted.

Town Council unanimously approved the consent agenda as presented.

1. Monthly Department Reports: Police, Finance and Administration, Human Resources, Municipal Court, Projects & 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 FY2024 Quarterly Report. Ariana Pernice, Hilton Head Island Bluffton Chamber of Commerce
4. Consideration of an Ordinance and Ratification to Approve an Amendment to Ordinance No. 2023-11 Repositioning the Non-Exclusive Easement Over a Portion of Parcel R610 028 000 1006 0000 for Dominion Energy's System Improvement Project. Second and Final Reading – Kimberly Washok-Jones, Director of Projects and Watershed Resilience

5. Approval of Public Art Committee Recommendation to Award the Palmetto Breeze Bus Wrap Commission to Lindsey Spears with a Fiscal Impact of \$2,850. Chris Forster, Assistant Town Manager
6. Consideration to Approve a Resolution for Execution of an Extension of a Memorandum of Understanding between the Town of Bluffton and Beaufort Jasper Water and Sewer Authority Addressing Projects and Capacity Fee Credits. Chris Forster, Assistant Town Manager

#### **X. EXECUTIVE SESSION**

A motion from Councilmember Hamilton, Seconded by Mayor Pro -Tempore Wood to enter executive session for the item listed below.

1. Legal Advice Pertaining to an Appeal of a Decision Made by the Historic Preservation Commission (Pursuant to SC Freedom of Information Act 30-4-70 [a][2])

A motion made by Councilmember Hamilton, Seconded by Mayor Pro-Tempore Wood to enter executive session.

#### **XI. ACTION FROM EXECUTIVE SESSION**

Mayor Pro-Tempore Wood, Seconded by Councilmember Hamilton to approve 113 Bridge Street: Mediation Settlement Offer.

Town Council, in a vote of 3-0, approved the mediated settlement reached August 16th for Ms. Kellie Kenny related to 113 Bridge Street/Certificate of Appropriateness. Councilmember Bridgette Frazier abstained, and Councilmember Emily Burden recused herself from this vote.

#### **XII. ADJOURNMENT**

A motion made by Councilmember Frazier, Seconded by Councilmember Burden to adjourn at 8:03PM.

**NEXT MEETING DATE: Tuesday, October 8, 2024**

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Marcia Hunter, Town Clerk  
Town of Bluffton, SC

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Larry Toomer, Mayor  
Town of Bluffton, SC