

Regular Town Council Meeting

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

September 10, 2024

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 Month with a proclamation.

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 who 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 recognized Lt. Michelle Meyers for being nominated for the International Association of Chiefs of Police “40 Under 40 Award”. This award is presented 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 the Bluffton Police Department to receive this prestigious award.

VI. PUBLIC COMMENT

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

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

Skip Hoagland - 61 Sparwheel Ln – Mr. Hoagland 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 connector into the Retreat at Grande Oaks. Concerns were also shared regarding the burden to the POA associated with the cost of road maintenance expenses due to the Phase 5B realignment, reduced street width, and the subdivision only consisting of 50 homes.

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 requests, and educating community and students of proper protocol and how to handle themselves.

Joy Coe - 5 Cottingham Rd - Ms. Coe was not able to attend the meeting. Eric Reba was permitted to speak on behalf of Ms. Coe. Mr. Reba had numerous questions for Council in relation to the annexation request of the Grande Oaks Commons Land Use Tract. He also 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 recommended 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 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 to the development of Phase 5B and of the developer of the project.

Derrick Bolden - 17 Ballfield Rd - Mr. Bolden discussed the Stanley Martin Development using Ballfield Road for the access of construction vehicles utilized in the construction of the community. He asked questions regarding the ownership of the road itself and permitted the usage.

Frank Barbieri - 71 Fording Court - Mr. Barbieri requested that council entertain a recommendation of re-addressing the preexisting PUD's, that were developed years ago. The recommendation is to ensure the children are in proper learning environments and to prevent falling behind on critical support areas such as coverage of Fire, Police, and EMS.

VII. COMMUNICATIONS FROM MAYOR AND COUNCIL

Mayor Pro-Tempore Wood - Mr. Wood expressed his concerns of Phase 5B, adding his views are not that of council regarding the Penny Sales Tax Referendum. The referendum dates back to 2006. Beaufort County Council withdrew their support 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 the

study. The town is 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 delivered by the end of the year.

Councilmember Frazier - Ms. Frazier thanked town staff for an amazing inaugural concert series. Advising there was a great turnout and event. She spoke regarding government and the ongoing climate within the community abroad. She encourages all colleagues, community leaders, and residents to lead with facts, foresight, and not that of fear, hate or misinformation. All community members are welcome at Town Council meetings and all other meetings and workshops held. She praised the town staff, boards and commissions for the time and work put into keeping information transparent to our community.

Councilmember Burden- Ms. Burden expressed her gratitude for community members attending the meeting. She stated there is a misrepresentation of what is being discussed at the current meeting regarding Phase 5B. Phase 5B of the BlufftonParkway is not the topic of the meeting. The topic is about the 5B right-of-away donation that is already legally obligated by University Investments from a document from 2011. She 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 to the public for being misinformed and not being corrected. He echoes the sentiments of Councilmember Wood of 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 to, partner with Derrick Bolden to address and relay information Mr. regarding Ballfield Road.

Mayor Toomer- Mayor Toomer also expressed gratitude to community members for coming out to attend the meeting. He also has encouraged participation and the need to hear the voices of our community to assist council and staff 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.

Motion 1 - A motion 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.

Motion 2 - A motion 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;

Motion 1 - 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;

Motion 2 - 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;

Motion 3 - 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;

Motion 4 - 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

Motion 5 - 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 13th Amendment document for the following:

- i. Detailing the frontage road and interconnectivity commitments and obligations such as land reservation, interconnectivity with the property immediately to the west identified as the current Beaufort County Tax Map No. R614 029 000 0595 0000, continuing the frontage road width, placement of the frontage road in front of buildings along Bluffton Parkway, construction responsibility, trigger for phased construction at time of development of applicable parcels, and dedication as a separate subsection of Section 3.iv.
- ii. Detailing the roadway connection to Lake Point Drive commitments and obligations such as land reservation, locations, widths, construction, trigger for construction, and dedication as a separate subsection of Section 3.iv.
- iii. Incorporating "..., as amended" to the language in Section 3.iv after "...Bluffton Parkway Access Management Plan".
- iv. Add language to Section 3.iv committing the Properties are subject to the Buckwalter Parkway Access Management Plan, as amended.
- v. Extension of rights of way for the three access points from Buckwalter Parkway through the Applicant's Properties to the new northern boundary of Grande Oaks after annexation as a separate subsection of Section 3.iv.
- vi. Incorporating the Land Use Comparison Chart dated 4/24/2024 as an Exhibit of the 13th Amendment.
- vii. Incorporating the requirement that any RDUs utilized on the Properties are subject to the requirement for 20% affordable housing as outlined in Article 6 of the UDO.
- viii. Revise the language of the Draft 13th Amendment, Section 3.iii as follows:
 1. Reduce the amount of additional general commercial rights to be added to Buckwalter from 32 acres to 28 acres.

2. Restrict the use of these additional 28 acres of general commercial development rights or residential units to the upland acres of the Properties at time of annexation.
3. The 35.592 acres of the Properties not identified as upland at the time of annexation will have restrictive covenants, deed restrictions, and/or conservation easements placed upon the Properties. Said restrictions must be approved by the Town prior to the issuance of any Initial Master Plan. Said restrictions will give the Town enforcement rights.
4. The additional 28 acres of general commercial development rights may only be utilized within the Grande Oaks Commons Land Use Tract and may not be transferred to any other area within Buckwalter.

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.

Motion 6 - 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: Add detailed language to the 13th Amendment document for the following:

- i. Detailing the frontage road and interconnectivity commitments and obligations such as land reservation, interconnectivity with the property immediately to the west identified as the current Beaufort County Tax Map No. R614 029 000 0595 0000, continuing the frontage road width, placement of the frontage road in front of buildings along Bluffton Parkway, construction responsibility, trigger for phased construction at time of development of applicable parcels, and dedication as a separate subsection of Section 3.iv.
- ii. Detailing the roadway connection to Lake Point Drive commitments and obligations such as land reservation, locations, widths, construction, trigger for construction, and dedication as a separate subsection of Section 3.iv.
- iii. Incorporating "..., as amended" to the language in Section 3.iv after "...Bluffton Parkway Access Management Plan".
- iv. Add language to Section 3.iv committing the Properties are subject to the Buckwalter Parkway Access Management Plan, as amended.
- v. Extension of rights of way for the three access points from Buckwalter Parkway through the Applicant's Properties to the new northern boundary of Grande Oaks after annexation as a separate subsection of Section 3.iv.
- vi. Incorporating the Land Use Comparison Chart dated 4/24/2024 as an Exhibit of the 13th Amendment.

- vii. Incorporating the requirement that any RDUs utilized on the Properties are subject to the requirement for 20% affordable housing as outlined in Article 6 of the UDO.
- viii. Revise the language of the Draft 13th Amendment, Section 3.iii as follows:
 - 1. Reduce the amount of additional general commercial rights to be added to Buckwalter from 32 acres to 28 acres.
 - 2. Restrict the use of these additional 28 acres of general commercial development rights or residential units to the upland acres of the Properties at time of annexation.
 - 3. The 35.592 acres of the Properties not identified as upland at the time of annexation will have restrictive covenants, deed restrictions, and/or conservation easements placed upon the Properties. Said restrictions must be approved by the Town prior to the issuance of any Initial Master Plan. Said restrictions will give the Town enforcement rights.
 - 4. The additional 28 acres of general commercial development rights may only be utilized within the Grande Oaks Commons Land Use Tract and may not be transferred to any other area within Buckwalter.

Transfer of additional commercial development rights into the Grande Oaks Commons Land Use Tract is prohibited.

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. Toomer, Wood, Hamilton and Burden voted Yea; Frazier voted Nay

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 Council member 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 from this 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 Council Member 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 for 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 from this item.

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])

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 16, 2024, for Ms. Kellie Kenny related to the 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.