

BLUFFTON TOWN COUNCIL MEETING MINUTES

January 11, 2022

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, Assistant Town Manager of Finance and Administration Chris Forster, Chief of Police Stephenie Price, Assistant Town Manager for Planning and Projects Heather Colin, Town Clerk Kimberly Gammon, and Town Attorney Terry Finger were also present.

The pledge and invocation were given by Mayor Sulka.

Swearing in of Town Council Elect Fred Hamilton and Larry Toomer

Judge Bush swore in Fred Hamilton and Larry Toomer.

Appointment of Mayor Pro Tempore

Wood nominated Toomer as Mayor Pro Tempore.

Frazier nominated Hamilton as Mayor Pro Tempore.

Wood, Toomer and Sulka voted for Toomer as Mayor Pro-Tempore. Frazier voted for Hamilton as Mayor Pro – Tempore; Hamilton abstained from the vote. Toomer was named as Mayor Pro-Tempore.

Adoption of the Agenda

Frazier made a motion to adopt the agenda as presented with the exception of the change in the order of items 1 and 5 under *Formal Agenda Items* to better accommodate the presenter. Toomer seconded. The motion passed unanimously.

Adoption of the Minutes

Regular Meeting Minutes of December 14, 2021

Wood made a motion to accept the regular meeting minutes of December 14, 2021, as presented. Frazier seconded. The motion carried unanimously.

Presentations, Celebrations and Recognitions

Mayor Sulka announced the Beaufort County School District Character Student of the Month as Raquel Solis. Solis is a student at May River High School and was awarded for the character trait of Respect and Gratitude.

Mayor Sulka read the Proclamation for Martin Luther King, Jr. Day. Gwen Chambers accepted and gave details about the MLK events that would be taking place.

Berl Davis, President and Chief Executive Officer, Palmetto Electric Cooperative presented the Town of Bluffton with Rural Development Act Utility Tax Credit Funds in the Amount of \$55,000. The Town will use for environmental assessments and land surveys to prepare 10.5 acres of town-owned property for development. The land, located in the Willow Run area, is one of the last remaining, large, contiguous parcels with frontage on U.S. Highway 278 and is a prime location for economic development.

Jose Vargas, Regional Manager for Hargray, presented the Town of Bluffton \$35,000 through its community engagement initiatives to be reserved for a reflection garden, which will be constructed in the back of the Bluffton Police Department. This garden, in memory of Officer Jonathan Garcia, who died by suicide, will be symbolic of the department's commitment to mental health and wellness of its officer and civilian colleagues.

Ariana Pernice, Hilton Head Island Bluffton Chamber of Commerce gave a brief presentation of the Hilton Head Island Bluffton Chamber of Commerce FY23 DMO Marketing Plan.

Public Comment

James Lawton, 52 Oyster Street, Bluffton – Mr. Lawton spoke regarding the application presented by Pulte Homes to annex the Tarver Parcel. Lawton asked that Bluffton Town Council and Beaufort County Council protect the May River by setting aside critical lands before they are given to developers.

Jessie White, 1212 King Street, Beaufort – White spoke on behalf of the Coastal Conservation League and in regard to the requested Tarver Parcel annexation request. White requested that to protect the May River, Council deny the request.

Joe O'Rourke, 84 8th Avenue, Bluffton – O'Rourke spoke regarding zoning of restaurants in the Town of Bluffton. He stated there are processes set in place for a reason dealing with issues of this kind. A "Variance Request" would suffice. The change of a zoning map is completely unnecessary and overreach.

Second, what is the point of using the taxpayer's dollar to hire an attorney for legal advice only to disregard said advice? The advice was given based on South Carolina law. Based on what I read, it appears all supporting documents were submitted before the attorney concluded. On July 26, 2016, the attorney for the Town of Bluffton stated the use of a Restaurant is not allowed as the property owner had abandoned the legal non-conforming use for a period of one-year or more.

Lastly, O'Rourke stated that restaurants within 1-mile of this area for discussion have paid a premium to operate based upon the town's zoning laws and regulations. The COVID-19 pandemic has caused these restaurants to struggle significantly. According to the Small Business Administration (SBA) more than \$2.2 million were given to these establishments. That is 170% more than the state of South Carolina average.

Communications from Mayor and Council

Workshop Agenda Items

Presentation of the Proposed Beaufort County Access Management Plan Update - Jared Fralix, PE Assistant Beaufort County Administrator - Engineering

Fralix stated that on May 5, 2008, Beaufort County adopted the Buckwalter Access Management Study which addressed access management standards for Buckwalter and Bluffton Parkways as an appendix to the Comprehensive Plan. The Town of Bluffton adopted the Plan by Resolution on August 21, 2007.

Since the plan is now 13 years old, Beaufort County decided to procure Bihl Engineering to analyze the corridor and update the plan. The timeline is as follows:

October 18, 2021 - Beaufort County Public Facilities Committee unanimously approved the plan.

October 25, 2021 - Beaufort County Council approved the plan on First Reading.

December 6, 2021 - Beaufort County Planning Commission to make a recommendation to County Council.

December 13, 2021 - Beaufort County Council consideration of Second Reading.

January 11, 2022 - Bluffton Town Council workshop to discuss.

TBD - Bluffton Town Council consideration of a Resolution to Approve; and

TBD - Beaufort County Council consideration of Third and Final Reading.

Presentation of the Proposed Beaufort County Impact Fees - Eric Greenway, Beaufort County Administrator and Dr. Frank Rodriguez, Beaufort County School District Superintendent

Greenway and Rodriguez presented. It was stated that the General Impact Fee will be a one time payment for growth related infrastructure, will only be paid by new development – not existing residents or businesses; the impact fees fund capital improvement that add capacity, that they are not a tax but an agreement to build infrastructure. There are three requirements to meet rational nexus – need, proportionality, and benefit.

Impact fee eligible costs are facilities/improvements needed to serve new developments, and for excess capacity in existing facilities. The Beaufort County Impact Fee Study includes parks and recreation (only Bluffton collects on behalf of the County), libraries (all municipalities participating), public safety (Emergency Medical Services), solid waste, transportation (all municipalities participating), fire and school. There are currently no IGA's in place yet for public safety, solid waste, or school.

Town of Bluffton Annual Development Agreement Update - Heather Colin, Assistant Town Manager

Colin stated that each year town staff updates the Development Agreement Summaries and Build-Out table to provide an update on the amount of dwelling units and commercial square footage that is constructed and utilized. This information assists staff and citizens to understand the amount of growth that the town has undergone. Colin gave a brief overview of the following:

- Bluffton Village
- Buckwalter
- Jones Estate
- New Riverside
- Palmetto Bluff
- Schultz Tract
- Village at Verdier

Colin provided information relating to the total allowed development rights, new construction statistics from January 1, 2021 through December 31, 2021, cumulative construction statistics,

utilization of development rights, preserved development rights, and the development rights status in the Town Development Rights Bank. The summary also includes the remaining development rights associated with each community and the estimated percentage built out as well as the percentage of development rights utilized.

The Development Agreement Summary provides an overview of each Development Agreement including acreage, density, and any public dedications. Each Planned Unit Development has a summary with a map showing the land area and amendment summaries that is available on the Town of Bluffton website.

Annual Palmetto Bluff Development Agreement Update - Will Culp, Partner, South Street Partners

Will Culp began by introducing the partners of South Street; Chris Randolph, Jordan Phillips, Patrick Melton, and himself.

Culp provided information regarding Palmetto Bluff closed sales, and a home construction update. Culp stated that the developer/strategic partner initiatives are as follows:

- 2022 product release – 40 lots
- Palmetto Bluff Builders – Quarter 1
- Additional upgrades to Farm to include a pavilion and restrooms – Quarter 1
- Shooting Clubhouse – Quarter 1
- River House renovations – Quarter 1
- Sora Wellness Village
- Masterplan the remainder of the Palmetto Bluff community and development of a strategic plan for future growth of Anson Village and the Montage Resort Residences Masterplan

Public Hearing & Final Reading

Public Hearing Opened at 7:22 PM.

There were no comments.

Public Hearing Closed at 7:23 PM.

Consideration of an Ordinance to Approve an Amendment to the Town of Bluffton Zoning Map to Rezone Certain Real Property Owned by J.C. Fraser, Jr. Consisting of Approximately 1.24 Acres, More or Less, located at 190,192,194, and 196 Goethe Road and Identified as Beaufort County Tax Map No. R610 039 000 0159 0000 and R610 039 000 0744 0000 from Residential General Zoning to Neighborhood Core Zoning - Second and Final Reading - Kevin Icard, Director of Growth Management

Icard stated that the rezoning request for property owned by J.C. Fraser was before Town Council for second and final reading and there have been no changes since First Reading on December 14, 2021. Icard stated that on October 1, 2021, J.C. Fraser, Jr. (“the Applicant”) submitted an application (ZONE-09-21-015896) requesting approval of an Amendment to the Town of Bluffton Official Zoning Map.

The Properties are currently zoned Residential General (RG) and regulated by the Unified Development Ordinance (UDO), which allows single-family residential use with density of up to four (4) units per acre and a limited number of commercial uses. Restaurant is not an allowed use.

The Applicant proposes to reestablish the property identified as, R610 039 000 0744 0000 (196 Goethe Road) as a restaurant with associated parking. The building has previously been used as a restaurant, gas station, pool hall and a cafeteria for M.C. Riley School. The following timeline shows the attempts to open the establishment or to rezone the property to allow the use of a restaurant.

Timeline:

- In 1962, James C. Fraser Sr. receives title to the Properties from his grandmother, Gracie Frazier.
- In 1964, Mr. Fraser constructed the 1,500 Square foot building. Beaufort County Tax Records, lists it as General-Purpose Building.
- Mr. Fraser Sr. and his family operated the restaurant at this location until it closed in 1969.
- In 1981, the Town of Bluffton first enacted zoning. This property was zoned for residential use. Mr. Fraser Sr. was not permitted to re-establish any commercial use.
- In November 1984, Beaufort County denied a zoning variance to 'open the store across from M.C. Riley Elementary School (ES).' It should be noted that M.C. Riley ES was previously located on Goethe Road prior to being moved to its current location on Burnt Church Road.
- In 1991, Mr. Fraser requests a rezoning of the property from Residential General to Mixed-Use II. His request was denied by Town Council based on the recommendation provided by Beaufort County Planning Staff when they stated the site lacked adequate infrastructure to handle the uses allowed in the MU-II district.
- In 1993, the Town of Bluffton Town Council approved a rezoning request, as recommended by Beaufort County planning Staff, for the property as Mixed-Use II (MU-II).
- In November of 1992, Mr. Fraser Jr. received a State of SC Retail License for 'Kitty's Snack Shop.'
- On January 29, 1996, Mr. Fraser Jr. received a business license from the Town of Bluffton to operate a restaurant, 'Kitty's Snack Shop.'
- In 2001-2002, the Town of Bluffton rezoned the property to General Residential, along with the annexation and established zoning of other properties along Goethe and Shults Road. The Town provided a determination that the owner had vested rights as a Mixed-Use II non-conforming use.
- On July 26, 2016, the attorney for the Town of Bluffton stated the use of a Restaurant is not allowed as the property owner had abandoned the legal non-conforming use for a period of one-year or more.
- On September 27, 2021, Town Staff met with Mr. Fraser Jr. on-site for a Pre-Application Meeting to discuss the next steps to submit for an application to rezone the Properties.
- On September 28, 2021, Mr. Fraser Jr. submitted an application to rezone his Properties from Residential General (RG) to Neighborhood Core (NC).
- On November 1, 2021, the Planning Commission held a workshop to hear Mr. Fraser's request.

All property owners within 250 feet were provided notice of the Public Hearing, a notice was placed in the Island Packet on October 17, 2021, and a sign has been installed in front of Applicant's Properties.

To date, Mr. Paul Serrano, 192-A Goethe Road, adjacent property owner to the North, contacted Staff regarding the request. Mr. Serrano had no objections to the request and "wished Mr. Fraser all the best

with the rezoning”.

Town Council is required to consider the criteria set forth in Section 3.4.3 of the Unified Development Ordinance in assessing an application for a Zoning Map Amendment. These criteria are provided below, followed by Staff Finding(s) based upon review of the application submittals to date.

1. Section 3.4.3.A. Consistency with the Comprehensive Plan or, if conditions have changed since the Comprehensive Plan was adopted, consistency with the overall intent of the Comprehensive Plan, recent development trends and the general character of the area;

Finding: The Properties is within the Village Place Type on the Town of Bluffton Growth Framework Map (Attachment 7) which allows a moderate intensity mix of uses as defined Section 6.1.2 of the UDO as follows:

“Located in highly developed areas or those areas to be developed, a Village consists of a single center surrounded by compact, complete and connected neighborhoods providing support for a mixed-use area with moderate intensity. The mixed-use development occurs at the intersection of larger neighborhoods and along corridor connecting multiple neighborhoods.”

Section 6.2 of the UDO provides land use scenarios and development characteristics applicable to development and/or redevelopment within the place type designations illustrated on the Growth Framework Map. A baseline for each Place Type Assembly is provided in the table below, the Properties are in the Village Place Type Assembly.

Table 6.2: Design Parameters

	Rural Crossroads	Hamlet	Village	Town Center
Activity Mix	Retail, Service, Agricultural, Community/ Civic Use	Retail, Service, Residential, Agricultural, Community/ Civic Use	Retail, Service, Residential, Community/ Civic Use	Retail, Service, Residential, Community/ Civic Use
Mix of Uses	Horizontal Mixed Use	Horizontal Mixed Use	Horizontal and Vertical Mixed Use	Horizontal and Vertical Mixed Use
Character of Buildings	Detached Residential, Agricultural Buildings, Other Detached Buildings	Detached Residential, Agricultural Buildings, Other Detached Buildings	Attached and Detached Residential Buildings, Attached and Detached Non-Residential Buildings	Mostly Attached Buildings
Place Type Scale	Size: 0.5-5 acres	Size: 6-80 acres	Size: 160+ acres	Size: 200+ acres
Zoning District Allocation	0-10% AG 20-50% RG 30-80% RMU	0-20% RMU 20-50% RG 30-70% NC	10-30% RG, NG-HD 20-60% NC, NCE-HD 10-30% GM	5-10% RG, NG-HD 30-70% NC, NCE-HD 30-70% GM

Finding: The Properties are designated as medium density residential on the Future Land Use Map. Section 3.4.2, Applicability, states the following:

“Application for Zoning Map Amendment may be initiated by the property owner, Town Council, Planning Commission, or the UDO Administrator to establish and maintain sound, stable, and desirable development within the Town of Bluffton. The Zoning Map may be amended to rezone an area or to extend the boundary of an existing zoning district. A rezoning must be based upon the recommended future land use category for the property as shown on the future land use map in the Town of Bluffton Comprehensive Plan. If, as determined by the UDO Administrator, the requested zone change is not in accord with the future land use category, then an application for Comprehensive Plan Amendment to change the future land use map is required prior to or concurrent with the submittal of Zoning Map Amendment Application.”

When the Comprehensive Plan was adopted in 2007, Kirk’s Bluff, May River Road Development (opposite Kirk’s Bluff) and the Promenade were not developed. Since then, the area has seen exponential growth with mixed-use development including offices, retail, restaurants, short term rentals, personal services and various types of residential development. (See Attachment 8)

The Comprehensive Plan, when adopted in 2007, did not anticipate commercial development along Goethe Road north of May River Road. With the adoption of the Growth Framework Map in 2011, Town Council determined that the Village Place Type should extend beyond the boundaries of the Old Town Bluffton Historic District, along Goethe Road. As development has increased in the Historic Zoning Districts, and along Goethe Road, these Properties are suitable for a mixed-use designation. Mr. Fraser’s building was constructed and operated as a commercial establishment. Therefore, Staff finds that the proposed rezoning is consistent with the overall intent of the Comprehensive Plan, recent development trends and the general character of the area.

2. Section 3.4.3.B. Capability of the site’s physical, geological, hydrological and other environmental features to support the breadth and intensity of uses that could be developed in the proposed zoning district.

Finding: The Applicant has provided sufficient information to demonstrate that the physical, geological, hydrological and other environment features of the site can support the development of uses permitted within the Neighborhood Core zoning district. The existing facility was constructed in 1964 and previously operated as a restaurant, pool hall, gas station (underground tanks have been removed), cafeteria and classroom. Any future use of the property would require a Development Plan and would need to meet all current code regulations.

3. Section 3.4.3.C. Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning districts in terms of suitability of location, impacts on the environment, noise, density, nature of use, traffic impacts, aesthetics, ability to develop adjacent properties under existing zoning, and potential influence on property values;

Finding: The adjacent parcel to the south, currently owned by Nancy Bruin's heirs, is undeveloped. The property across Goethe Road is the M.C. Riley Sports Complex, which contains numerous athletic fields (baseball and basketball courts). M.C. Riley Sports Complex has overhead lighting that have far reaching lighting and noise impacts on adjacent property owners. The amount of lighting and noise generated from any use on the Applicant's Properties will be minimal. Further review of a Lighting Plan during the Development Plan process.

Finding: The uses allowed and the intent of the Neighborhood Core zoning district are designed for compact development that is suitable for supporting neighborhoods. (See Attachment 9)

4. Section 3.4.3.D. Capacity of public infrastructure and services to sufficiently accommodate all potential uses allowed in the proposed district without compromising the public health, safety and welfare of the Town of Bluffton.

Finding: Public water and sewer, electrical, telecommunications, and natural gas services are accessible adjacent to, or are in close proximity to, the Properties with sufficient capacity to support the proposed land use without comprising the public health, safety, and welfare of the Town of Bluffton.

It should be noted that in 1991, during a previous rezoning request, there was not sufficient infrastructure to support the site. That has since been improved and is no longer a factor. The Goethe/Shults Neighborhood is actively under construction with the final phase of sidewalks as a portion of a Town of Bluffton Capital Improvement Program project. A sidewalk connecting May River Road to Bluffton Parkway will be constructed in front of the subject Properties, and it is anticipated to will be completed by March 2022. The sidewalk will create a continuous path and link these neighborhoods with Old Town.

5. Section 3.4.3.E. Public need for the potential uses permitted in the requested zoning district; and

Finding: The public need for the Property's proposed land use is to further economic development, to create new job opportunities, as well as diversify the Town's economic base.

Finding: The Goethe/Shults Neighborhood Plan addresses comprehensive strategies for revitalizing the neighborhood to promote a more healthy and sustainable community and increase the economic competitiveness of the residents of the neighborhood, community stakeholders, and Town Council. (See Attachment 6)

6. Section 3.4.3.F. Compliance with applicable requirements in the Applications Manual.

Finding: The application has been reviewed by Staff and has been determined to be complete, meeting all requirements of the Applications Manual.

Hamilton made a motion to approve on Second and Final Reading an Ordinance to Approve an Amendment to the Town of Bluffton Zoning Map to Rezone Certain Real Property Owned by J.C. Fraser, Jr. Consisting of Approximately 1.24 Acres More or Less, located at 190,192,194 and 196 Goethe Road and Identified as Beaufort County Tax Map No. R610 039 000 0159 0000 and R610 039 000 0744 0000 from Residential General Zoning to Neighborhood Core Zoning. Toomer seconded. The motion carried unanimously.

Formal Agenda Items

Consideration of the Acceptance of Pulte Home Company, LLC's One Hundred Percent (100%) Annexation Petition to Annex Certain Real Property Contiguous to the Town of Bluffton's Corporate Boundaries Consisting of a Total of 100.78 Acres, More or Less, Located at 1007 May River Road and Bearing Beaufort County Tax Map No. R600 038 000 0023 0000, and Referral to the Town of Bluffton Negotiating Committee if Deemed Necessary - Kevin Icard, Director of Growth Management

Icard stated that On November 17, 2021, in accordance with Section 5-3-150 of the Code of Laws of South Carolina and the *Town of Bluffton Annexation Policy and Procedure Manual* ("Annexation Manual"), Pule Home Company, LLC submitted a 100% Annexation Petition Application for a parcel containing approximately 100.78 acres located at 1007 May River Road ("Property") into the Town of Bluffton's municipal boundary.

Pursuant to the Annexation Manual, the Applicant requests the Property's rezoning as Residential General (RG) pursuant to the Town of Bluffton Unified Development Ordinance, as amended which permits residential uses at a maximum of 4 DU/ Acre, as shown in the comparative tables provided in the application package.

Should Town Council vote to accept the petition, the Applicant will be required to submit application packages for the concurrent requests for a Zoning Map Amendment and Comprehensive Plan Amendment to revise the future land use designation from Low Density Residential to Medium or High Density Residential to support the proposed development.

Per the revision to the Annexation Manual approved by Town Council Resolution on December 8, 2020, the initial step in the public review process is an initial briefing, or "intent to annex", to Town Council for general discussion of the request and its associated applications such as the appropriate zoning classification and possible negotiation items. At the conclusion of the discussion, Town Council takes action to accept or decline to accept the proposed Annexation Petition by majority vote.

In the event Town Council accepts the petition, additional action by majority vote is necessary to either refer or forgo the referral of request to the Town of Bluffton Negotiating Committee if deemed necessary.

The Property contains approximately 100.78 acres located within Unincorporated Beaufort County as shown on the Aerial Map (Attachment 3). The Property currently contains a single-family home and accessory structures.

The Property is currently zoned May River Community Preservation (MRCP), as shown on the Zoning Map, which is subject to the Beaufort County Community Development Code.

The immediately adjacent properties vary as to jurisdiction and zoning as follows:

Direction	Jurisdiction	Zoning District	Current Use
North	Town of Bluffton	Buckwalter PUD	1 Pinecrest Way Bluffton, LLC – No Address - Pinecrest Golf Course
East	Town of Bluffton	Wellstone PUD	Wellstone at Bluffton Property Owners Association, Inc. – No Address - Common Space, Stormwater Management
	Beaufort County	May River Community Preservation (MRCP)	J. Francis Coburn, III – 1035 May River Road - Residential
	Beaufort County	May River Community Preservation (MRCP)	J. Francis Coburn, III – No Address - Residential
South	Beaufort County	May River Community Preservation (MRCP)	SCDOT – May River Road – Right-of-Way
	Beaufort County	May River Community Preservation (MRCP)	Ann Y. Miller – 89 Big Bluff Road - Residential
	Beaufort County	May River Community Preservation (MRCP)	Lucy Trosdal Little & Lewis M Little Jr. - 57 Linden Plantation Drive East - Residential
	Beaufort County	May River Community Preservation (MRCP)	Sylvia Corker – 1056 May River Road - Vacant
West	Beaufort County	May River Community Preservation (MRCP)	State of Mind Street Partners, LLC – 5 Smith Lane - Residential
	Beaufort County	May River Community Preservation (MRCP)	Marscher II Trust A U/T/D & Marscher II Trust B U/T/D – 11 Smith Lane - Residential
	Beaufort County	May River Community Preservation (MRCP)	Joseph W. Smith – 13 Smith Lane - Residential
	Beaufort County	May River Community Preservation (MRCP)	Amy L. & Robert W. Conn - 25 Smith Lane - Residential

Direction	Jurisdiction	Zoning District	Current Use
	Beaufort County	May River Community Preservation (MRCP)	Amy L. & Robert W. Conn – 31 Smith Lane - Vacant
	Beaufort County	May River Community Preservation (MRCP)	Amy L. & Robert W. Conn – 37 Smith Lane - Vacant
	Beaufort County	May River Community Preservation (MRCP)	Joshua Joseph Parlagreco – 45 Smith Lane - Residential
	Beaufort County	May River Community Preservation (MRCP)	Joshua J. Parlagreco – 61 Smith Lane - Vacant

The adjacent property to the north and zoned as Buckwalter Planned Unit Development, which is part of the development known as Pine Crest, establishes the required contiguity as it is within the Town of Bluffton's Municipal Boundary.

The Applicant intends to develop the property as single-family residential, which would be subject to the maximum density permitted in the proposed Residential General (RG) Zoning District of 4 DU/Acre.

The Town of Bluffton Comprehensive Plan Map 8.1 – Future Annexation Area shows that the Property is within the Town's annexation boundary.

The Town of Bluffton Comprehensive Plan Map 8.3 – Future Land Use shows the Property is designated as Low Intensity Residential which is defined as:

Low density residential land uses are used to maintain existing rural character and decrease environmental and traffic impacts. This designation is a rural-residential land use that also includes estates and family compounds. Category densities are based on current densities which range from one unit per three acres to one unit per acre under existing County zoning. Densities at the higher end of the scale should be considered only if a developer provides substantial amenities and holds the project to design standards above and beyond current zoning district regulations. Lower densities outside of the proposed range are encouraged and would be recognized as voluntary conservation-oriented actions. Examples include the following:

- *Applying cluster principles to protect and preserve water resources, environmentally sensitive areas, continuous open space, habitat, viewsheds, and rural character.*
- *Increasingly preserving or enhancing natural resources such as significant trees stands and employing site reforestation or afforestation techniques.*
- *Incorporating unique design features and techniques that promote and encourage energy conservation and sustainable development, such as green buildings, innovative stormwater management such as permeable pavement, and low impact design.*

- *Committing to use energy saving methods and applying LEED principles to projects.*
- *Providing interconnected open space and trail systems, both on and off-road, that link with key destinations in Bluffton.*
- *Improving public roads and infrastructure to mitigate anticipated impacts, or paying fees in lieu of actual improvements.*
- *Providing sites to accommodate or financially contributing to support schools, public safety, local government, parks and recreation, and other community services and facilities.*
- *Contributing to support community wide efforts for public art, or accommodating it on-site.*
- *Applying the vernacular of low-country architecture with its symmetry and deep porches.*
- *Preserving rural and/or corridor character using techniques such as increased buffers, farmland preservation, and saving existing farm buildings and features and incorporating them into the design of a development.*

If the applicant were to pursue residential development with density between 1 to 3 DU/Acre, the future land use designation revision to Medium Density Residential, as defined below, would be appropriate:

This category consists of single-family homes, with accessory multiple family units and densities can range from one to three units per acre. However, densities within Old Town may vary based on the Old Town District Code. Multi-family uses could be allowed as long as overall density is not exceeded.

If the applicant were to pursue residential development with density over 3 DU/Acre up to the maximum permitted of 4 DU/Acre, the future land use designation revision to High Density Residential, as defined below, would be appropriate:

High density residential includes both single family homes and multi-family structures such as townhouses, attached condominiums, apartments, loft complexes, and senior housing. Densities exceeding three units per acre should be considered only if a developer provides substantial amenities above and beyond what is required in relation to the scale of the project. Examples include the following:

- *Including affordable and/or workforce housing, at mixed price ranges that are distributed throughout a development.*
- *Integrating mixed land uses, including non-residential ones that provide neighborhood services and/or employment opportunities.*

- *Providing a blend of architecture styles with an overall character that is integrated and compatible with the entire community.*
- *Increasingly preserving or enhancing natural resources such as significant trees stands and employing site reforestation or afforestation techniques.*
- *Incorporating unique design features and techniques that promote and encourage energy conservation and sustainable development, such as green buildings, innovative stormwater management such as permeable pavement, and low impact design.*
- *Committing to use energy saving methods and applying LEED principles to projects.*
- *Providing interconnected open space and trail systems, both on and off-road, that link with key destinations in Bluffton.*
- *Improving public roads and infrastructure to mitigate anticipated impacts, or paying fees in lieu of actual improvements.*
- *Providing sites to accommodate or financially contributing to support schools, public safety, local government, parks and recreation, and other community services and facilities.*
- *Contributing to support community wide efforts for public art, or accommodating it on-site.*

Lastly, the Town of Bluffton Comprehensive Plan Map 8.5 – Growth Framework shows the Property is not located within an identified Place Type Assembly growth area.

The request for Pulte Home Company, LLC's One Hundred Percent (100%) Annexation Petition to Annex Certain Real Property Contiguous to the Town of Bluffton's Corporate Boundaries Consisting of a Total of 100.78 Acres, More or Less, located at 1007 May River Road and Bearing Beaufort County Tax Map No. R600 038 000 0023 0000 died for lack of a motion from Town Council.

Consideration of the Acceptance of University Investments, LLC's One Hundred Percent (100%) Annexation Petition to Annex Certain Real Property Contiguous to the Town of Bluffton's Corporate Boundaries Consisting of a Total of 12.348 Acres, More or Less, Located at the North-West Corner of the Intersection of Buckwalter Parkway and Lake Point Drive and Bearing Beaufort County Tax Map No. R600 029 000 2410 0000, and Referral to the Town of Bluffton Negotiating Committee if Deemed Necessary - Kevin Icard, Director of Growth Management
Consideration of an Ordinance Amending the Town of Bluffton's Code of Ordinances, Chapter 22 – Streets, Sidewalks, and Other Public Property to include Provisions to Address Locations and Requirements for Special Events - Second Final Reading, Heather Colin, Assistant Town Manager

Colin stated that Town Council tabled the request at the November 9th meeting because they had questions and suggested revisions that they requested be included in the proposed Ordinance. The suggestions and comments included the following:

- Exempt events that took place on private residential properties, such as family gatherings and celebrations.
- Organized clubs and organizations such as Boy Scouts of America should be exempt; and
- Family, club, non-profit, or similar organizations, on Town owned property when there is no required reservation should be exempt; and
- Consideration of a threshold on the anticipated number of attendees for the applicability of a special events permit.

The current Special Events Ordinance only regulates certain events on public or Town owned properties. As the Town continues to grow, events held on private property have also grown. In order to ensure public safety, staff is proposing the attached amendments that address the considerations.

The proposed amendments include specifications on the requirements to follow all ordinances, specifically as the event relates to building codes, business licensing, and noise control.

Amendments include requiring a special event permit for events that occur on private property with an anticipated attendance of 100 or more in addition to Town owned property and include provisions for the following:

1. Security and Safety
2. Traffic Circulation and Parking
3. Toilet Facilities
4. Solid Waste Disposal
5. Electrical Hookups
6. Authority to Waive and other exemptions (applicability)

Colin stated that there have been no changes since Council approved the proposed Ordinance at the December 14, 2021, Town Council meeting.

Toomer made a motion to approve on Second Reading an Ordinance Amending the Town of Bluffton's Code or Ordinances, Chapter 22 – Streets, Sidewalks, and Other Public Property to include Provisions to Address Locations and Requirements for Special Events. Frazier seconded. The motion carried with a majority vote 4-0 (Wood stepped out temporarily).

Consideration of an Ordinance to Place a Deed Restriction on Town Owned Property, referenced as "New Riverside Park", located at 30 Red Barn Drive, Parcel R610 036 000 1319 0000 in New Riverside – Second and Final Reading, Heather Colin - Assistant Town Manager

Colin stated that the Town of Bluffton (the "Town") acquired certain real property within the New Riverside Planned Unit Development located at 30 Barn Drive at the south-west corner of the SC Highway 46/SC Highway 170 roundabout, consisting of approximately 37 acres and identified as Beaufort County Tax Map No. R610 036 000 1319 0000 (the "Property"), for the future development of a public park.

On June 30, 2020, Town staff submitted an application to the South Carolina Department of Parks, Recreation & Tourism requesting funds from the National Park Service's Land & Water Conservation Fund Grant Program for improvements to the Property.

On December 8, 2020, Town Council approved the Consent Agenda which included the Conceptual Master Plan for the Property.

October 18, 2021, the South Carolina Department of Parks, Recreation, and Tourism notified the Town on October 18, 2021 via letter of the approval from the National Park Service for the award of a grant through its Land and Water Conservation Fund Project, identified as Project# 45-01131, for certain improvements to the Property to include site prep/grading/paving, asphalt drives, trails, walkways, paths, parking, event lawns, multi-purpose area, water, sewer, storm drainage, electrical, entry gate, fencing and restroom pavilion.

As part of the grant award process, the Town executed a Project Agreement (Attachment 3) which provides for the terms of the award. One of the required terms is that the Town must record a deed restriction specifying that the Property shall only be utilized for public outdoor recreation as follows:

"This Property has been acquired or developed with Federal financial assistance provided by the National Park Service of the Department of the Interior in accordance with the Land and Water Conservation Fund act of 1965, as amended. Pursuant to a requirement of that law, this property may not be converted to other than public outdoor recreation uses (whether by transfer, sale or in any other manner) without the express written approval of the Secretary of the Interior. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location."

Town Staff prepared a Declaration of Covenant to place the required restriction on the Property. Sections 5-7-40 and 5-7-260 of the South Carolina Code of Laws and Sections 2-13(a)(8) and 2-13(a)(4) of the Code of Ordinances for the Town of Bluffton requires that Town Council act by Ordinance to convey, lease, or authorize the conveyance or lease of any Town owned lands as well as restrictions, easements, and public rights-of-way. Therefore, Town Council must approve the Declaration of Covenant as well as authorize its execution and recording by Ordinance. The proposed Ordinance and its Exhibit, the Declaration of Covenant.

Toomer made a motion to approve on Second and Final Reading an Ordinance to Place a Deed Restriction on Town Owned Property, referenced as "New Riverside Park", located at 30 Red Barn Drive, Parcel R610 036 000 1319 0000 in New Riverside. Hamilton seconded. The motion carried with a majority vote 4-0 (Wood stepped out temporarily).

Acceptance of the Presentation of the Town of Bluffton Fiscal Year 2021 Audit by Mauldin & Jenkins, LLC - Chris Forster, Assistant Town Manager

Forster stated that on March 2, 2021, the Town of Bluffton solicited a Request for Proposal (RFP) for Financial Audit Services. As a result, Town Council authorized the Town Manager to execute a contract with Mauldin & Jenkins, LLC for audit services for fiscal year ending June 30, 2021 through fiscal year ending June 30, 2026 during the June 8, 2021 Town Council meeting. This is the second contract awarded to Mauldin & Jenkins. This is the fourth year Mauldin & Jenkins has audited the Town of Bluffton's financial records and assisted in the preparation of the Annual Comprehensive Financial Report (ACFR).

Forster then introduced auditor, Trey Scott to Town Council who was present via zoom. Scott stated that Mauldin & Jenkins has completed their audit of the Town of Bluffton for the fiscal year ended June 30, 2021 and is expected to issue an unmodified (clean) opinion.

Scott stated that the governmental fund financial statements give the reader a detailed short-term view that helps determine if there are more or less financial resources available to finance the Town's programs. These funds focus on how assets can readily be converted into cash flow in and out, and what monies are left at year-end that will be available for spending in the next year.

Revenues have increased over prior year for consolidated budgeted funds. The Town continues to see larger than anticipated revenues with the strength in business licenses and franchise fees. Property Taxes have increased 11.9% from prior year in the General Fund along with a 12.6% increase in the Licenses and Permits category.

Expenditures are approximately \$960,000 more than the prior year for the consolidated funds due to the refinancing of the GO Bond for the Law Enforcement Center and the issuance of the GO Bond for Stormwater projects of approximately \$1.2 million and increased expenditures for community safety of approximately \$0.5m offset by Capital Improvements Program Fund project expenditures of approximately \$5.2m in the prior year and \$4.3mm in the current year.

The General Fund fund balance remains strong and had an increase of \$5,132,946 in FY 21, due to the strong performance of revenues and conservative spending. At June 30 the Town's General Fund had an unassigned (unrestricted) fund balance of approximately \$17.2 million or 96% of FY 21 expenditures.

Wood made a motion to approve the acceptance of the Town of Bluffton Fiscal Year 2021 Audit by Mauldin and Jenkins, LLC. Toomer seconded. The motion carried unanimously.

Consideration of an Ordinance Amending the Town of Bluffton Fiscal Year 2022 Budget to Provide for the Expenditures of Certain Funds and to Allocate Sources of Revenue for the Said Funds - First Reading - Chris Forster, Assistant Town Manager

Forster stated that the proposed ordinance amending the FY 2022 budget by \$1,590,494 will consist of a General Fund budget increase of \$1,250,494, the Capital Improvements Program Fund increase of

\$250,000 and the Debt Service Fund increase of \$90,000 provide for new programs, use of American Rescue Plan Act grant, use of previously earmarked spending of prior year fund balance, increase in projected Business License and Permit revenue, donations of Utility Tax Credits, as well as Ordinance 2021-09 changes to the Maser Fee Schedule.

The following details were provided by Forster:

General Fund - This Budget Amendment includes an increase to the General Fund budget by \$1,250,494 to reflect \$990,494 of the American Rescue Plan (ARP) Act, \$52,500 increase to the projected Business License revenue, \$52,500 increase to the projected Permit revenue, \$10,000 transfer in from Local Accommodations tax, \$55,000 transfer in from Capital Improvement Program (CIP) fund, and \$90,000 of prior year fund balance. These funds will be used for:

- American Rescue Plan (ARP) Act:
 - Replacement of Reduction in Revenue, \$579,494 to be used as follows:
 - Employee retention incentive \$498,020 to recognize the on-going risk and challenges faced by Town employees during the response to the COVID pandemic and maintaining government services.
 - Housing Trust Fund Grant \$59,474 to fund the first year of the establishment of the Regional Housing Trust Fund to create and promote affordable housing options.
 - Economic Development \$22,000 for expanding the business training and incubation programs to qualified businesses at no or reduced costs.
 - Business Assistance Grants \$175,000
 - Non-Profit Assistance Grants, contract with Community Foundation of the Lowcountry \$236,000
- General Fund revenue increases to cover:
 - Transfer to CIP network improvement project \$70,000
 - Community events to be held January thru June \$35,000
- Local accommodations tax revenue increase:
 - USCB Bluffton Ambassador Program additional classes \$10,000
- Transfer in from CIP of Utility Tax Credits:
 - Willow Run wetlands study, survey, topographic survey, and tree study \$55,000
- Town Council agreed during the October 12, 2021 meeting to use prior year fund balance for:
 - Historic preservation program \$90,000

Capital Improvements Program Fund (CIP) – This budget includes an increase to the CIP budget by \$250,000 to reflect Utility Tax Credit donations of \$35,000 from Hargray and \$55,000 from Palmetto

Electric, as well as the \$90,000 transfer in from TIF funds and the \$70,000 transfer in from General Fund. These funds will be used for:

- Utility Tax Credits:
 - reflective garden to be located at the Law Enforcement Center (LEC) \$35,000
 - transfer to General Fund for Willow Run property \$55,000
- Transfer in from Debt Service Fund of TIF fund balance:
 - reflective garden to be located at the LEC remaining \$40,000
 - obstacle course to be located at the LEC \$50,000
- Transfer in from General Fund:
 - IT CIP project to implement ExecuTime software program one-time cost to automate and improve police scheduling and staff time reporting \$70,000

Debt Service Fund – This budget includes an increase to Debt Service fund budget to reflect \$90,000 of prior year TIF fund balance. These funds will be used for:

- Transfer to CIP:
 - reflective garden \$40,000
 - obstacle course \$50,000

Master Fee Schedule – this budget amendment reflects Ordinance 2021-09 changes to the Master Fee Schedule as approved by Town Council during the October 12, 2021.

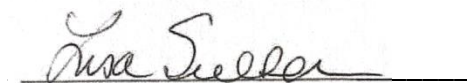
Toomer made a motion to approve on First Reading an Ordinance Amending the Town of Bluffton Fiscal Year 2022 Budget to Provide for the Expenditure of Certain Funds and to Allocate Sources of Revenue for the Said Funds. Frazier seconded. The motion carried unanimously.

Consent Agenda Items

1. Monthly Department Reports: Police, Finance and Administration, Municipal Court, Engineering, Don Ryan Center for Innovation, and Growth Management
2. Town Manager Monthly Report
3. COVID-19 Pandemic Report - Lt. Mike Danyov, Bluffton Police Department, Special Operations Department

Wood moved to approve the consent agenda as presented. Frazier seconded. The motion passed unanimously.

Wood made a motion to adjourn at 8:32 PM. Hamilton seconded.



Lisa Sulka, Mayor



Kimberly Gammon, Town Clerk