

BLUFFTON TOWN COUNCIL MEETING MINUTES

ELECTRONIC MEETING

February 9, 2021

Mayor Sulka called the meeting to order at 5 P.M. Council members present were Mayor Pro Tempore Fred Hamilton, Larry Toomer, Bridgette Frazier, and Dan Wood. Interim Town Manager Scott Marshall, Chief of Police Stephenie Price, Director of Engineering Bryan McIlwee, Director of Finance and Administration Chris Forster, Director of Growth Management Heather Colin, Town Clerk Kimberly Chapman, and Town Attorney Terry Finger were also present.

The pledge and invocation were given by Councilwoman Frazier.

Adoption of the Agenda

Frazier made a motion to adopt the agenda as presented. Wood seconded. The motion carried unanimously.

Adoption of the Minutes

Town Council Regular Meeting Minutes of January 12, 2021

Toomer made a motion to approve the Regular Meeting Minutes of January 12, 2021. Frazier seconded. The motion passed unanimously.

Town Council Workshop Meeting Minutes of January 19, 2021

Wood made a motion to approve the Workshop Meeting Minutes of January 19, 2021. Frazier seconded. The motion passed unanimously.

Presentations, Celebrations and Recognitions

Mayor Sulka acknowledged the Beaufort County School District Character Student of the Month, Grace Kennedy from Pritchardville Elementary School. Grace was honored for the character trait "Compassion".

Public Comment

Vivian Joiner, 210 Vintage Avenue, Winston-Salem, NC: The dilapidated structure although once a vibrant home to many is no longer inhabitable. The structure is beyond a condition of repair. The property deemed HISTORICAL unfairly limits the owners that have owned it for more than century. If the goal is to hold a piece of history place a marker and allow the next century to enter as it has on the other properties nearby.

Antoinette Joiner, 4308 Karley Court, Winston-Salem, NC: The designation was first assigned unbeknownst to any family member. Also, there is nothing historical about the structure worth saving.

Juliana Smith, 1212 King Street, Beaufort, SC – Commented in support of the Southern Lowcountry Post Construction Stormwater Ordinance and Stormwater Design Manual and spoke on behalf of the Coastal Conservation League.

Brian Witmer, 12 Azalea Street, HHI, SC – Spoke regarding the Southern Lowcountry Post Construction Stormwater Ordinance. Stated that after reading the +/- 300-page manual, he felt that it is too complex

and not property vetted by local engineers and planners; it needs multiple case studies performed, analyzed and then refinements made until a balance between water quality and practical application is met. Witmer recommend reevaluating the manual.

Paul Scott, 16 Morning Side Drive, Savannah – Spoke on behalf of First Chatham Bank; working on the Publix shopping center on Hwy 170; stated that the proposed Stormwater Ordinance will impact their project negatively and requested to be "grandfathered-in" based upon approvals when his project was originally submitted.

Mike Hughes, 50 Park of Commerce Way, Savannah, GA – Stated that he respectfully requests delaying the adoption of the Southern Lowcountry Stormwater Design Manual until the professional design community has an opportunity to understand the implications on community planning and engineering.

Communications from Mayor and Council

Mayor Sulka acknowledged Black History Month and the banner that was hung at the four way stop in Old Town.

Workshop Agenda Items

Discussion and Direction on Updates to Special Revenue Funds, Accommodations Tax Allocations and Fund Balance Policies – Chris Forster, Director of Finance and Administration

As part of the strategic plan, the Finance department took on the initiative to evaluate Special Revenue Funds; the types that can be levied and how they may be used compared to how other similar communities are allocating Accommodations Tax (ATAX) Funds. Additionally, the Finance department assessed the Town's fund balance policy for its sufficiency and appropriateness compared to best practices and applicable risks.

The State of South Carolina governs what kinds of taxes and fees a local jurisdiction may approve. Currently the Town of Bluffton leverages every legally authorized revenue source in some manner. Local changes can be made to the rates at which taxes and fees may be set and the types of operational fees that may be approved.

In regard to special revenues and allocations, Forster stated that they include State and Local Accommodations taxes and Hospitality taxes. These revenues must be used for tourism related expenditures or the promotion of tourism. The first \$25 thousand plus 5% of State Accommodations revenue must be allocated to the general fund. The next 30% must be allocated to an organization promoting tourism known as the Designated Marketing Organization (DMO). For the Town of Bluffton that is the Hilton Head Island-Bluffton Chamber. The Town currently allocates the next \$190,000 to the Bluffton Historical Foundation, BHF (formerly Bluffton Historical Preservation Society). The remaining amount can be granted to non-profits for tourism and cultural related events. Use of State ATAX dollars are more restrictive and can only support tourism related operations expense if not normally provided by the municipality.

Local accommodations tax can be used for Tourism related CIP, operations and maintenance, including advertising and promotional expenses. Current Town Ordinance allows an allocation up to 8% to the DMO, up to 10% for operations and maintenance and up to 1% to the reserve fund. As part of the budget ordinance the Town has traditionally allocated 51% of local ATAX to the CIP fund.

Hospitality tax must be used for tourism related CIP and expenses, drainage improvements, advertising and promotion. There are no other Town restrictions on the use of Hospitality taxes. The Town has traditionally transferred \$500,000 to General Fund and a significant amount to support specific projects within the CIP.

Wood stated that he would like to have further conversation regarding the 8% request from the DMO.

Toomer asked if the Town was in danger of losing ATAX dollars per the obligation of using funds within two years. Forster stated that the Town is not in jeopardy of losing any dollars due to an adjustment made last year, in which we are using local tax dollars first and then state tax dollars last. This leaves a reserve balance in our local accommodations tax as well.

Frazier asked if ATAC dollars can be used to promote our own tourism in order to capture a more authentic voice.

Sulka asked that staff look at options. Marshall stated that possibilities are limitless and that there is an opportunity to use ATAC dollars at the Welcome Center or target tourists as they come into the Town. Marshall stated that there is also an opportunity once we develop some of the newly purchased properties by the Town.

Regarding the policy for the Fund Balance, Forster stated that the current Town Fund Balance Policy has four main components. The Emergency Recovery Fund which is calculated as 15% of General Fund budgeted expenditures. The unassigned Fund Balance reserve which is 25% of budgeted General Fund expenditures. The Vehicle & Equipment Replacement Reserve which is capped at \$1 million but is equal to 115% of designated assets depreciation cost.

The Government Finance Officers Association (GFOA), whose mission is to advance excellence in public finance, provide advisories and recommended practices on municipal financial policies and procedures. The two major best practices released by the GFOA on fund balance include the "Fund Balance Guidelines for the General Fund" and "Strategies for Establishing Capital Asset Renewal and Replacement Reserve Policies."

The GFOA recommends that a municipality maintain an unrestricted fund balance of "no less than" two months' worth (17%) of budgeted expenditures. But they qualify that with a recommendation that the adequacy of minimum unrestricted fund balance "should be based on risks unique to each municipality." All GFOA's recommendations regarding fund balance reserves seek to identify the bare minimum a municipality should maintain in unrestricted reserves and do not attempt to identify actual needs since each jurisdiction is unique. In April of 2020 GFOA released a Risk Based Reserve Assessment tool for municipalities to gauge risks and identify a minimum reserve threshold more appropriate for a jurisdiction's needs. Town Finance completed this assessment and determined the Town faced a moderate to high level of risk to retain through reserves and the assessment recommends adopting a number of reserves significantly higher than the recommended minimum. Best practice recommends that the Town benchmark to similar communities and analyze most significant risks to make sure the Town is adequately covered compared to the unique financial costs of such risks. In addition, they recommend assessing the impact of reserves on the Town's bond rating.

The other major reserve recommended by the GFOA is the Capital Asset Renewal and Replacement Reserve. The current Town Vehicle and Equipment Reserve is limited in scope and capped at \$1M. In the past ten years the Town's depreciable assets have increased 88%. They have increased 56% in just the past 5 years. The Town's CIP projects have grown significantly and large capital investments are

planned to be completed over the next few years, including parks, facilities and infrastructure. Recommended practice is to maintain a reserve for all capital asset renewals and replacements. The GFOA recommends a minimum balance equal to a percentage of the Five-year average of an entity's capital budget and base annual contributions on a percentage of the annual depreciation of an entity's assets.

Frazier stated that she is in full agreement with limiting significant growth in unassigned fund balance by designating annual surpluses for certain reserve purposes such as asset reserve fund, or land acquisition fund.

Council was in consensus that the presentation was extremely informative and will assist in organizing thoughts and discussion in the upcoming budget workshops.

Discussion on Amendments to the Town of Bluffton Code of Ordinances, Chapter 23 – Unified Development Ordinance, Article 3 – Application Process, Article 4 – Zoning Districts, and Article 9 – Definitions and Interpretations to Amend the Definition of “Contributing Structure”, add the “Inventory of Contributing Resources” to the UDO, and Change “Historic Structure” References to “Contributing Structures” - Heather Colin, Director of Growth Management

Colin stated that as part of the FY 21/22 Strategic Plan, Town Council sought to “more closely align” the boundaries of the local historic district (Old Town Bluffton Historic District) and the National Register Historic District (Bluffton Historic District), which is a small portion of Old Town Bluffton.

To determine the possibility of a closer alignment, an updated historic resource survey was conducted by Brockington and Associates, Inc. in 2019. Based on this survey, some additional properties in Old Town appear eligible to be included in a nomination to expand the National Register Historic District. Related to this, a review of the existing Unified Development Ordinance (UDO) requirements for designation and review of contributing structures was undertaken by Town Staff.

Based on the review of the UDO, highlights of the amendments proposed by Town Staff include:

- Updating the term for and definition of “Contributing Structure”: The term would become “contributing resource” and the definition would be expanded to include structures, buildings, objects, and sites. Two of the Town’s coves (Heyward and Huger), for example, are contributing sites rather than structures.
- Establishing the list of contributing resources in the UDO for easier accessibility. Presently, the most recently adopted historic resource survey must be consulted. however, not all surveyed properties are contributing resources. All existing contributing resources would be included in the list, with no new resources proposed (nor are any existing resources proposed to be eliminated). If the list is adopted, any resource on the list approved for de-listing or demolition by Town Council at a later date would be removed from the list, not the historic resource survey.
- Refining the review criteria for Certificates of Appropriateness-Historic District (COFA-HD), which are required for new construction in Old Town Bluffton, as well as for certain

modifications to existing contributing and non-contributing structures, as well as for demolition of a contributing structure.

- “Housekeeping” items, such as replacing the term “contributing structure” for “contributing resource,” where necessary in the UDO, is also proposed.

Previously, Town Staff presented a workshop on Pro-Active Preservation and Maintenance of Contributing Structures. The ordinance proposes to re-establish what was previously titled the “Maintenance of Contributing Structures” ordinance but did not carry over into the UDO.

The next steps for these amendments are provided in the below timeline and acknowledge the property owner and public notification process for both the Planning Commission and Town Council.

Frazier stated that the Town should revisit the idea of hiring a full-time preservationist; stated that some citizens do not currently have a person who can answer their questions regarding their property designation and what is and is not allowed; suggested a reference or a check list for citizens.

Sulka echoed the need for a preservationist on staff; when buildings are listed for sale, would like a requirement of a disclosure that the structure is a contributing structure and the name of a Town contact who can be a resource for the buyer.

Toomer stated that as time goes by, some structures should be added and there could possibly be some that may need to be removed.

Hamilton stated that when a structure is beyond repair and remains on the contributing structure list, it becomes a burden to both parties. Hamilton stated that families should have input on whether a structure is on the contributing structure list. Asked that pictures be provided in addition to addresses so that structures can be evaluated.

Public Hearing & Final Reading

Consideration of Town of Bluffton Needs Assessment for Housing, Public Facilities, and Economic Development – Michelle Knight, Community and Economic Development Director, Lowcountry Council of Governments

Public Hearing Opened at 6:46 p.m.

Public Hearing Closed at 6:47 p.m.

Michelle Knight, Community and Economic Development Director for the Lowcountry Council of Governments presented. Knight stated that the SC CDBG Program has been funded since 1982 by the US Department of Housing and Urban Development and is designed to provide assistance to unit of local government in improving economic opportunities and meeting community revitalization needs, particularly for persons of low to moderate income (LMI).

The 2021 allocation from HUD for the SC program is approximately \$20,214,575. This is divided into three broad grant program categories:

- Community Development

- Business Development
- Regional Planning

The Community Development Program is further broken down into several subcategories to address infrastructure, community facilities, and neighborhood priorities.

The Business Development Program provides financial resources for local governments to pursue opportunities that create new jobs, retain existing employment, stimulate private investment, and revitalize or facilitate the competitiveness of the local economy. Funding will be prioritized based on the following:

1. New or expanding businesses tied to job creation; and
2. Area economic development activities not associated with job creation; and
3. New or expanding local businesses that provide essential goods and services in predominately LMI communities.

The Regional Planning Program is designed to provide CDBG funds to Councils of Governments to assist local governments in developing plans and building local development capacity.

The Beaufort County/Lowcountry Regional HOME Consortium is comprised of the Beaufort, Colleton, Hampton and Jasper counties, and all municipalities in the region. The top three objectives are as follows:

1. Rehabilitation of substandard housing; and
2. Increase accessibility to adequate and affordable housing; and
3. Support the development and availability of safe, decent, and affordable housing.

Beaufort, Hampton, Colleton and Jasper counties have areas that need affordable housing, rehabilitation of substandard housing and demolition of vacant/dilapidated houses. As the housing stock ages, there becomes a greater need for rehabilitation of substandard houses and the number of vacant/dilapidated houses increases while increasing the number of persons at risk for homelessness.

In response to Corona Virus, funding is part of the March 2020 CARES Act. All projects must meet one of the three national objectives, which are the benefit to low to moderate income persons, aid in the preventing or eliminating of slum and blight or meet an urgent need.

Knight stated that the purpose of the community/public services are to provide new or quantifiably increase public services that will primarily benefit low to moderate income individuals and are needed to prepare for, respond to and prevent the corona virus. The award is \$214,621 per county or \$858,483 for the Lowcountry region. The deadline for funding priorities is March 1, 2021.

The award for public facilities is \$3,000,000 statewide and the purpose is to adapt, retrofit or rehabilitate existing schools or other publicly owned facilities to provide services in a manner that complies with public health guidelines. The deadline for funding priorities is July 1, 2021.

Toomer made a motion to establish the following ranking of community needs as priorities for the Town of Bluffton: 1) infrastructure improvements including sewer, water and drainage, 2) transportation and pedestrian safety, 3) affordable housing for low to moderate income individuals, families and seniors, 4)residential rehabilitation of housing for safe and dry housing, 5) restoration or properties or facilities of special value to the community, and 6) activities that help, prepare for and respond to and prevent the corona virus. Wood seconded. Roll call was taken and the motion carried unanimously.

Consideration of an Ordinance to Amend the Town of Bluffton Code of Ordinances, Chapter 23 – Unified Development Ordinance, Article 3 – Application Process, Article 5 – Design Standards, Sec.5.10 Stormwater Management, and Article 9 – Definitions and Interpretations Related to Adopting the Southern Lowcountry Post Construction Stormwater Ordinance and Stormwater Design Manual – Public Hearing and Final Reading – Bryan McIlwee, Director of Engineering

Council was in consensus to table the above item until April, due to community concerns and questions. McIlwee will meet with Council and anyone else who has concerns or questions with the proposed Ordinance.

Toomer made a motion to table the Consideration of an Ordinance to Amend the Town of Bluffton Code of Ordinances, Chapter 23 – Unified Development Ordinance, Article 3 – Application Process, Article 5 – Design Standards, Sec.5.10 Stormwater Management, and Article 9 – Definitions and Interpretations Related to Adopting the Southern Lowcountry Post Construction Stormwater Ordinance and Stormwater Design Manual. Wood seconded. Roll call was taken and the motion carried unanimously.

Formal Agenda Items

Consideration of Amendments to the Town of Bluffton Code of Ordinances, Chapter 19 – Flood Damage Protection, specifically as it Relates to the Updates to the National Floodplain Insurance Program Regulations and FEMA’s Re-evaluation of Flood Hazards in the Town of Bluffton Reflected in Updated Flood Insurance Rate Maps – Final Reading – Heather Colin, Director of Growth Management

Colin stated that FEMA recently completed a reevaluation of flood hazards in the community. On June 30, 2017 and August 9, 2019, FEMA provided the Town with preliminary and revised preliminary copies of the Flood Insurance Study (FIS) and FIRM that identify existing flood hazards. Both the required publication and appeals periods have been met and the FIRM for Bluffton will become effective on March 23, 2021.

Because the FIS report establishing the flood hazard determinations has been completed, certain additional requirements must be met under the National Flood Insurance Act of 1968 as *amended no later than March 23, 2021*.

The proposed amendments incorporate the required amendments identified the Flood Mitigation Specialist from the South Carolina Department of Natural Resources and included in attachment 4.

In addition to the minimum amendments required by FEMA for eligibility in the NFIP, staff is proposing that the current requirement of a one-foot freeboard be increased to a three-foot freeboard for all

construction. Freeboard is defined as the factor of safety usually expressed in feet above a flood level for purposes of flood plain management.

The purpose of freeboard is as follows:

- Reduces flood losses in the habitable portion of homes so that citizens can return home faster; and
- Benefits citizens as they will receive improved flood insurance rates; and
- Most of Bluffton's construction located in the special hazard flood zones are new construction areas with no unregulated areas affected; and
- With the additional 2 feet of freeboard recommended there should be less drastic height deviations between new and existing construction.

The Town of Bluffton currently has multiple elevation requirements varying from 12 to 16 feet depending on the location. The current base flood elevation (BFE) required on the current maps (FIRM) is 11 to 15 feet. The FIRMs effective March 23, 2021 BFE varies from five to nine feet.

Currently approximately five percent of the land area in Bluffton is located within a special flood zone. Upon the effective date of the FIRM, it will decrease to approximately three percent.

Colin stated that there have been no changes since first reading.

Toomer made a motion to approve on second and final reading the proposed Ordinance Amending the Town of Bluffton Code of Ordinances, Chapter 19 – Flood Damage Protection, specifically as it Relates to the Updates to the National Floodplain Insurance Program Regulations and REMA's Re-evaluation of Flood Hazards in the Town of Bluffton Reflected in the Updated Flood Insurance Rate Maps. Frazier seconded. Roll call was taken and the motion carried unanimously.

Consideration of an Ordinance Amending the Town of Bluffton FY 2021 Budget to Provide for the Expenditures of Certain Funds and to Allocate Sources of Revenue for the Said Funds – First Reading – Chris Forster, Director of Finance and Administration

Forster stated that Town Council authorized the issuance and sale of not to exceed \$5,250,000 General Obligation Bonds, 2020 or such other appropriate series designation (the "Bonds"), for the purpose of funding the Town of Bluffton Stormwater Utility Fund Capital Improvements Program projects on second and final reading at the November 10, 2020 Town Council meeting.

Our Bond Counsel, Francenia Heizer, Esquire with Burr Forman McNair and our Financial Advisor, Brian Nurick, Senior Managing Director with Compass Municipal Advisors, LLC, recommended that the Bond be issued before the end of 2020 to take advantage of favorable interest rates.

On December 3, 2020, the Town of Bluffton sold twenty-year General Obligation Bonds, Series 2020A with a Par Value of \$5,080,000 and a net interest rate of 1.698% taking advantage of favorable interest rates and the Town's strong financial position.

The increase to the Debt Service Fund of \$1,103,408 is to record the transfer in from the Stormwater Utility Fund for the first interest payment of \$93,408 and principal payment of \$1,010,000 which is offset by the \$810,224 Deposit Net Bid Premium, resulting in the net payment of \$1,103,408.

The increase to the Stormwater Utility Fund of \$93,051 is to record the transfer to Debt Service for the first interest payment. Funds to cover the interest were budgeted in the FY 2021 revenue and therefore reflected as a reduction to fund balance. The increase to the new Capital Improvements Program Project Fund of \$5,003,000 is to record the par value of the bonds of \$5,080,000 less the cost of issuance of \$77,000. On January 27, 2021, the Town of Bluffton received a \$9,000 private donation to provide AED equipment for the Police department.

Toomer made a motion to approve on First Reading, an Ordinance Amending the Town of Bluffton Fiscal Year 2021 Budget to Provide for the Expenditures of Certain Funds and to Allocate Sources of Revenue for Said Funds. Frazier seconded. Roll call was taken and the motion carried unanimously.

Consideration of an Emergency Ordinance of the Town of Bluffton, South Carolina, Extending the Requiring of Individuals to Wear Face Coverings in Light of the COVID-19 Pandemic; and Matters Related Thereto; and Severability – Scott Marshall, Interim Town Manager

Marshall gave an overview and stated that on June 30, 2020, in response to an increasing number of positive COVID-19 tests reported by the South Carolina Department of Health and Environmental Control (SCDHEC) and as part of a regional effort to slow the spread of the disease, Town Council enacted Emergency Ordinance 2020-10. Emergency Ordinance 2020-10 requires the wearing of face coverings in certain social situations and by employees of certain establishments who come into contact with the public in the performance of their jobs.

This Emergency Ordinance was first adopted on June 30 and has been renewed three times since then. Most recently, Town Council renewed this Emergency Ordinance by unanimous approval of Emergency Ordinance 2020-29 on December 8, 2020. Emergency Ordinance 2020-29 will expire on February 12, 2021 unless otherwise renewed, amended, or rescinded by Town Council.

The Town of Bluffton Emergency Ordinance presented for consideration replicates the requirements specified in Emergency Ordinances 2020-10, 2020-18, 2020-22 and 2020-29; and contains the following features:

Section 1. Definitions.

- a. “Face Covering” is defined as a uniform piece of cloth, fabric, or other material that securely covers a person’s nose and mouth and remains affixed in place without the use of one’s hands. Face Coverings include, but are not limited to, bandanas, medical masks, cloth masks, scarves, and gaiters, provided that they are worn such that they securely cover the person’s nose and mouth.
- b. “Person” as used in the context of Section 3.b. is defined as any individual associated with the business who has the control or authority and ability to enforce the requirements of the Ordinance within the business, such as an owner, manager or supervisor. “Person” may also include an employee or other designee that is present at the business but does not have the title of manager, supervisor, etc., but has the authority and ability to ensure that the requirements of this Ordinance are met while the business is open to the public.

Section 2. Requirements for Face Coverings.

- a. All persons entering any building open to the public in the Town must wear a face covering while inside the building.
- b. All restaurants, retail establishments of every description, salons, grocery stores, and pharmacies in the limits of the Town shall require their employees to wear a Face Covering at all times that the employees are in any area where the general public is allowed. This requirement also applies to all persons providing or utilizing over-the-road public or commercial transportation, including tours; and all businesses or employees while interacting with people in outdoor spaces, including, but not limited to, curbside pickup, delivery, and service calls. All such businesses must provide face coverings or materials for the making of such face coverings for their employees. Such coverings or materials may be made available staff-wide or individually upon employee request so long as the result is the organization-wide use of face coverings. Nothing shall prevent an employee from fashioning his or her own cloth face mask. If a worker or customer refuses to wear a cloth face covering for other than medical reasons, a business may decline entry or service to that individual.
- c. The following individuals are exempt from this Ordinance: any person under the age of eight, or who is unable to safely wear a Face Covering due to age or an underlying health condition, or who is unable to remove the Face Covering without the assistance of others; and any person traveling in a personal vehicle, or when a person is alone or is in the presence of only household members in an enclosed space, and people who are actively drinking or eating. This Ordinance does not relieve business establishments and restaurants from other social distancing requirements imposed by the Governor's Executive Orders.

Section 3. Penalties.

- a. Failure to comply is a civil infraction, punishable by a fine of not more than \$50.00.
- b. Each day of non-conformance is a separate and distinct offense. Repeated offenses may result in suspension or revocation of occupancy permits and/or business license, where applicable. Repeated violations may also be declared a public nuisance. However, every effort shall be made to bring the person or business into compliance before issuing a citation.

Section 4. Severability. If any part of the Ordinance is deemed invalid, the remaining portion(s) of the Emergency Ordinance shall remain valid.

Section 5. Effective Date; Expiration.

- a. Must be passed by a super majority of at least 2/3 of Town Council on a single reading. This means the ordinance must receive a favorable vote of no less than four out of five members of the Town Council of the Town of Bluffton.
- b. Emergency Ordinance shall be effective on February 12, 2021.
- c. Emergency Ordinance is terminated when rescinded by a subsequent ordinance, or on the 61st day of enactment, whichever is sooner. This means the Emergency Ordinance, in absence of further Town Council action, would expire on April 14, 2021.

Hamilton made a motion to approve an Emergency Ordinance of the Town of Bluffton, South Carolina, Extending the Requiring of Individuals to Wear Face Coverings in Light of the COVID-19 Pandemic; and Matters Related Thereto; and Severability. Frazier seconded. Roll call was taken and the motion carried unanimously.

Consideration of an Emergency Ordinance of the Town of Bluffton to Authorize the Town Manager to Develop and Enact Such Plans and Policies Needed to Ensure Continuity in the Delivery of Government Services in Light of the COVID-19 Pandemic- Scott Marshall, Interim Town Manager

Marshall stated that the Emergency Ordinance presented for consideration continues the provisions established by Emergency Ordinance 2020 – 30. and substantively accomplishes the following:

1. Section 1 incorporates recitals contained in the Town of Bluffton Emergency Ordinance 2020-03 and also incorporates recitals of the SC Governor’s Executive Orders which establish a statewide State of Emergency due to the COVID-19 pandemic.
2. Section 2 rescinds Section 1 of Emergency Ordinance 2020-03, which allows for the conduct of public meetings electronically. Adoption of the Electronic Meeting Ordinance negates the need to place this provision in this and future Emergency Ordinance.
3. Section 3, which was previously approved by Town Council when adopting Emergency Ordinance 2020-21 on October 13, 2020, rescinds and replaces Section 2 of Emergency Ordinance 2020-03, pertaining to the “Authorization of Town Manager.” Substantive amendments are as follows:
 - a. Special event permits be conditioned upon full compliance with applicable SC Governor’s Executive Orders and associated COVID-19 pandemic related restrictions and/or recommendations regarding social distancing.
 - b. Authority for closing Town owned or operated property is limited to Town Hall offices and other Town of Bluffton offices or buildings normally open to the public. Access to Town owned or operated parks, playgrounds, docks, and other open spaces available to the public will be consistent with rules for each facility/amenity as designated in the Town of Bluffton Code of Ordinances.

A single 2/3 vote of Town Council is required to approve this Emergency Ordinance. If approved, this Emergency Ordinance would become effective on February 12, 2021 and would expire on April 14, 2021, unless otherwise modified, amended, extended, or rescinded by subsequent Emergency Ordinance.

Toomer made a motion to approve an Emergency Ordinance of the Town of Bluffton to Authorize the Town Manager to Develop and Enact Such Plans and Policies Needed to Ensure Continuity in the Delivery of Government Services in Light of the COVID-19 Pandemic. Wood seconded. Roll call was taken and the motion carried unanimously.

Consideration of an Ordinance Amending the Town of Bluffton Code of Ordinances, Chapter 23 – Unified Development Ordinance, Article 5 – Design Standards Related to Building Types, Maximum Building Footprint and Height – First Reading- Heather Colin, Director of Growth Management

Colin stated that with an increase in commercial and mixed-used infill development within Old Town Bluffton Historic District, concern has been expressed that some buildings seem too large for the District. In response, a workshop was held with Town Council in November 2020, followed by

discussion of building size with the Historic Preservation Commission in December 2020 and January 2021.

Old Town Bluffton, also known as the Old Town Bluffton Historic District, is among Beaufort County's most desirable locations for new development, including mixed-use and commercial. Its roots as a small coastal village remain intact with its physical development pattern, historic buildings, Lowcountry architecture, mature tree canopy, as well as its eclectic character. This unique environment has spanned centuries, prior to Bluffton's dramatic growth as one of South Carolina's fastest growing communities. As referenced in the Old Town Master Plan (Master Plan), this uniqueness is Bluffton's "franchise" and "the key to [its] economy."

The Master Plan, adopted by Town Council in 2006, is a policy document developed through extensive study and community participation that established a clear, unified vision for Old Town Bluffton. The vision guides the Town's policies, programs, and regulations, including the Unified Development Ordinance (UDO). The UDO includes site and architectural standards specific to Old Town that may vary by zoning district and building type. There are five (5) zoning districts in Old Town, as well as a variety of permitted building types based on traditional Lowcountry building forms that differ by zoning district. The zoning district map is provided as Attachment 2; the various building types are shown in Attachment 3.

While mixed use and commercial development are located mostly north of May River Road or along May River Road, the heart of Old Town Bluffton Historic District is increasingly attractive for more intensive land use due to the availability of undeveloped or underdeveloped land. As land and construction costs escalate, maximization of land area and building square footage often follow. This may appear at odds with Old Town Bluffton's more organic development, particularly south of May River Road, where portions of the historic district were developed prior to zoning and single-family residences were the predominant use.

In 2020, the Town "calibrated" land uses, as well as some general and architectural standards for the Old Town Bluffton Historic District. However, these amendments may not have been substantial enough relative to permitted land uses and building size to ensure that Old Town Bluffton's character, charm and eclectic nature will be maintained. By some accounts, certain building types, all of which are identified in UDO Sec. 5.15.8, may allow for building footprints, sizes and height that are incongruous with existing development and the Master Plan.

The purpose of the November Town Council workshop was to provide an overview of building size, including processes and regulations that could contribute to the development of larger buildings. This included a discussion of building types (Main Street and Additional), zoning districts that permit Main Street buildings, the "Shopfront" area on Calhoun Street and "Large Footprint Buildings." Based on this discussion, Town Council expressed the following:

- Focus on the Neighborhood Center-Historic District (NCE-HD) zoning district. The Neighborhood Core-Historic District is not at issue as it was intended to be the district where more intense uses and larger scale buildings would be located in Old Town (e.g., Promenade).
- Consider reducing the maximum allowed building footprint to no more than 2,000 to 2,500 square feet and the maximum building square footage to 5,000 square feet.
- The possibility that there too much commercial development.

- That mass and scale should relate to the streetscape, and that both may need to be defined.
- It may be time to update the Old Town Bluffton Master Plan as the Town's vision for the district may need more specificity.

Staff also held an informal discussion regarding building size with the Historic Preservation Commission (HPC) at its December 2 meeting. The HPC is responsible for approving the appearance of all buildings within the Old Town Historic District, applying the standards of the UDO. The general consensus was that building size and how it is perceived is a function of its design and site placement, among other things, and not necessarily the size of its footprint and/or its total square footage. Additionally, it was noted that some of the UDO requirements do not necessarily reflect the Old Town Master Plan.

Given the Master Plan's age and the amount of development that has occurred in Old Town in the past 15 years, re-evaluation of the Plan may be in order. As part of the Town's Comprehensive Plan update in 2021, this will be explored. The Comprehensive Plan is a state-required policy document that identifies the Town's long-range goals and objectives and serves as a blueprint to guide its growth. Because the update process will occur over the next year, minor amendments are proposed which, if adopted, could be revised with a more extensive study of Old Town Bluffton.

Based on earlier feedback from Town Council and from the HPC, the amendments in Attachment 4 are proposed. These amendments were shared with the HPC at their January 6 meeting for discussion purposes only.

REVIEW CRITERIA & ANALYSIS: When assessing an application for UDO Text Amendments, the Town Council is required to consider the criteria set forth in UDO Section 3.5.3, Application Review Criteria. These criteria are provided below, followed by a Finding.

- 1. Section 3.5.3.A.** Consistency with the Comprehensive Plan or, if conditions have changed since the Comprehensive Plan was adopted, the consistency with the overall intent of the Plan, recent development trends and the general character of the area.

Finding. The proposed amendments are consistent with the needs, goals, and implementation strategies of the Comprehensive Plan to maintain Old Town Bluffton's eclectic, Low Country character.

- 2. Section 3.5.3.B.** Consistency with demographic changes, prevailing economic trends, and/or newly recognized best planning practices.

Finding. As stated in the Comprehensive Plan, Bluffton's "franchise" is its unique character in a village-type setting that has evolved over centuries. The proposed amendments will serve to protect this character while Old Town's long-term vision is re-examined through the Comprehensive Plan process and, possibly, an update to the Old Town Master Plan. Smaller building sizes may help to protect Old Town Bluffton's development character while allowing for increased commercial and mixed-use development.

- 3. Section 3.5.3.C.** Enhancement of the health, safety, and welfare of the Town of Bluffton.

Finding. Though not health or safety issues, smaller building sizes will help to maintain Old Town Bluffton's historic development pattern of smaller mixed-use and commercial buildings, thus helping to maintain the district's historic welfare and the Town's economic engine.

4. Section 3.5.3.D. Impact of the proposed amendment on the provision of public services.

Finding. The amendments will have no impact on providing public services.

5. Section 3.5.3.E. The application must comply with applicable requirements in the Applications Manual.

Amendments are proposed to the Main Street building type (Sec. 5.15.8.A) and the following characteristics that relate to size: 1) size range (the overall building square footage); 2) maximum building footprint (not to include porches); and 3) building height.

Differentiating building size and height for Main Street buildings in the Neighborhood-Core Historic District (NC-HD), a zoning district that exists north of May River Road and along portions of May River Road in Old Town, and the NCE-HD district acknowledges the differences between their development intensity. Changes to size and height for Main Street buildings in the NC-HD district are not proposed.

For the NCE-HD District (Sec. 5.15.5.B), amendments are proposed to increase the front build-to zone from 0-10 feet to 10-25 feet for both the Main Street and Additional building types. A front building setback from 10-25 feet will allow larger buildings to set back farther from the public right-of-way so as not to overwhelm the streetscape, which is typical of the NCE-HD development pattern, especially on Calhoun Street. The setback can be usable space, such seating or dining, that can serve as an extension of the public right-of-way and create more vibrant spaces in Old Town. The side yard setback would increase from five feet to eight feet for Additional building types, which is consistent with the Main Street building type.

The Additional building type allows developers to propose buildings that are not one of the approved building types within all five of Old Town Bluffton's zoning districts. Additional building types, however, can be desirable as the UDO does not limit its footprint or size. Therefore, an amendment to Sec. 5.15.5 (General Standards) is proposed to limit the building footprint and size to be no larger than the largest size permitted within any of Old Town Bluffton's zoning districts for other building types within a given district. As an example, the largest building size and footprint in the Neighborhood Core-HD district is 8,000 square feet and 3,500 square feet, respectively, for a Main Street building; therefore, an Additional building type in the Neighborhood Core-HD district could not exceed the maximum square footage permitted for a Main Street building.

The Planning Commission recommends approval to Town Council of the proposed Text Amendments as submitted. The Commission also expressed that additional work, in the future, is necessary and should consider incorporating a context-sensitive approach where standards could vary by site location.

Hamilton made a motion that an Ordinance Amending the Town of Bluffton Code of Ordinances, Chapter 23- Unified Development Ordinance, Article 5 – Design Standards Related to Building Types, Maximum Building Footprint and Height be approve via pending doctrine. Frazier seconded. Roll call was taken and 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's Monthly Report

3. Consideration of a Resolution to Adopt the May River Watershed Action Plan Update as a Supporting Document to the Comprehensive Plan – Bryan McIlwee, Director of Engineering
4. Consideration of a Resolution to Adopt the Southern Lowcountry Stormwater Design Manual as a Supporting Document to Unified Development Ordinance, Article 5 – Design Standards, Sec. 5.10 Stormwater Management – Bryan McIlwee, Director of Engineering
5. Consideration of a Proposed Lighting Agreement with Palmetto Electric for the Law Enforcement Center – Bryan McIlwee, Director of Engineering
6. Consideration of an Extension for the Memorandum of Understanding between the Town of Bluffton and Beaufort Jasper Water and Sewer Authority Regarding Collaboration on Projects and Capacity Fee Credits - Chris Forster, Director of Finance and Administration
7. COVID-19 Pandemic Update – Scott Marshall, Interim Town Manager

Wood made a motion to approve the consent agenda as presented with the exception it item # 4, which was pulled due to tabling the final reading of the proposed Stormwater Ordinance (Item # X.2). Toomer seconded. Roll call was taken and the motion carried unanimously.

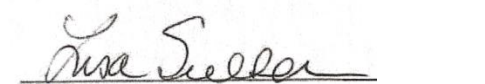
Executive Session

1. Contractual Matters Relating to a Public Private Partnership to Develop Workforce and Affordable Housing on Town Owned Property (Pursuant to SC Freedom of Information Act 30-4-70[a][5])
2. Contractual Matters Relating to the Palmetto Bluff Planned Unit Development Agreement (Pursuant to SC Freedom of Information Act 30-4-70[a][2])

Frazier made a motion to move into Executive Session at 7:25 PM to discuss the aforementioned items. Toomer seconded. The motion was unanimous.

Town Council exited Executive Session at 8:36 PM. No motions were made, and no votes were taken during Executive Session.

Hamilton made a motion to adjourn 8:37 p.m. Toomer seconded. The motion carried unanimously.



Lisa Sulka, Mayor



Kimberly Chapman, Town Clerk