

BLUFFTON TOWN COUNCIL MEETING MINUTES

ELECTRONIC MEETING

January 12, 2020

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. Town Manager Marc Orlando, Deputy 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 Mayor Sulka.

Adoption of the Agenda

Toomer 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 December 8, 2020

Frazier made a motion to approve the Regular Meeting Minutes of December 8, 2020. Wood seconded. The motion passed unanimously.

Presentations, Celebrations and Recognitions

Mayor Sulka acknowledged the Beaufort County School District Character Student of the Month, Mia Zito from May River High School. Mia was honored for the character trait "Respect/Gratitude".

Mayor Sulka read the Martin Luther King Jr. Proclamation aloud.

Palmetto Bluff and New Riverside Development Agreement Annual Update – David O'Donoghue, President, Palmetto Bluff

Public Comment

Shantel Richardson, 7 Albert Green Lane, Bluffton – Stated that Bridgette Frazier should not have to defend herself or her actions in regard to her actions that recently took place on social media regarding events at the Capitol. Stated that he supports Councilwoman Bridgette Frazier staying on Town Council regardless of the petition.

Justin Jarrett, 279 Station Parkway, Bluffton – Stated that he supports Councilwoman Bridgette Frazier staying on Town Council regardless of the petition that originated on social media requesting that she be removed from Council as a result of recent social media dialogue between Frazier and others regarding events that took place at the Capitol. Also stated that his friend, Donna Fonseca had signed up for public comment but was not able to make it to the meeting, however Jarrett said that she echoed his support for Councilwoman Frazier.

Candace Harnett, 21 Cobblestone Court, Savannah – Stated that she understands that there are citizens who are requesting that Frazier be removed from Town Council but feels that Frazier should be hailed a hero and commended for reporting criminal activity. She stated removing her would send a message of condoning this type of behavior. Stated that Frazier displays bravery that we should all want in our government officials.

Jodie Srutek, 431 Gardners Circle, Bluffton – Stated that due to the current political climate of our country that elected officials are tasked with communicating with the public effectively and setting an example of integrity. Requested that Town Council be an example and show the Bluffton does not tolerate hate or bigotry. Stated that she supports Bridgette Frazier staying on Town Council, regardless of the petition that originated on social media requesting that she be removed from Council as a result of recent social media dialogue between Frazier and others regarding events that took place at the Capitol. Stated that Bridgette exemplifies leadership for our community.

Sherry Lee, 20 Dawn Sky Court, Bluffton – Spoke in support of Bridgette Frazier staying on Town Council regardless of the petition that originated on social media requesting that she be removed from Council as a result of recent social media dialogue between Frazier and others regarding events that took place at the Capitol. Asked that other Town Council take a stand to keep Councilwoman Frazier on Town Council.

Sharron Brown, 163 Buck Island Road, Bluffton – Spoke in reference to Simmonsville and Buck Island Road Neighborhood program; also stated that she was confused as to why the Town of Bluffton sent out a media release regarding the petition about Bridgette Frazier and that the Town of Bluffton needs to streamline what goes out in a media release and what does not.

Communications from Mayor and Council

Wood stated that he would like to discuss the golf cart ordinance soon. Mayor Sulka asked that staff reach out to Representative Herbkersman to have the letter written to get this started.

Mayor Sulka stated requested that staff respond to the questions regarding the Buck Island Simmonsville Neighborhood Plan. Sulka stated that she had made a public statement regarding the role of Town Council and that all five members sit as a Council to do better for Bluffton as a result of recent dialogue surrounding the petition for removal of Councilwoman Frazier.

Frazier stated she was thankful for those that have supported her through the attacks. She stated that she will always be an advocate for all things right in Bluffton and she will never be silent for any type of injustice that would undermine the work that has been done for Bluffton, which is one Bluffton that works for everyone.

Workshop Agenda Items:

FY21 Consolidated Budget Update – Chris Forster, Director of Finance and Administration

Forster stated that on June 9, 2020 Town Council approved the FY 2021 Town of Bluffton Budget of \$34,223,867. This reflected a budget reduction of -8.3%. The General Fund, which is the Town's main operating fund was approved at \$19,363,015 or a reduction of -4.1%. Budget reductions were carefully estimated in response to the impacts of the COVID-19 pandemic.

Through the month of November, General Fund revenues total almost \$2.9 million. This reflects a 9% increase over the same period of FY 2020. This increase is primarily due to better than expected permit revenue as a result of an approximate 36% increase in new residential building permits compared to the same timeframe last year.

Sixty percent of General Fund revenue is made up of property taxes, business licenses and building permits. According to the most recent County billing estimates, property taxes for fiscal year 2021 should come in approximately 3% higher than expected. As a result of the COVID-19 pandemic business licenses are expected to meet but not exceed initial projections which reflect a -12.6% reduction compared to fiscal year 2020 actuals. Based on current trends, building permit revenue is expected to exceed expectations by approximately 24%.

In total, the General fund revenue is estimated to be \$403,917 (2%) higher than initially budgeted. In December 2020 the Town issued \$5,080,000 in a general obligation bond. With these proceeds, the consolidated results of all budget funds are estimated to add \$0.5 million to fund balance. The bond proceeds excluded; the Town is estimated to spend down fund balance by \$4,464,684. This is primarily in the CIP fund as previously started projects are completed.

Formal Agenda Items:

Acceptance of the Presentation of the Town of Bluffton FY 2020 Audit by Mauldin and Jenkins, LLC – Chris Forster, Director of Finance and Administration

Forster stated that on April 4, 2018, 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 years ending June 30, 2018, 2019 and 2020 during the June 13, 2018 Town Council meeting. This is the third year Mauldin & Jenkins has audited the Town of Bluffton's financial records and assisted in the preparation of the Comprehensive Annual Financial Report (CAFR).

Forster introduced Trey Scott from Mauldin and Jenkins to present the results of the audit.

Scott stated that the Town of Bluffton received an unmodified and clean opinion. This is the highest level of assurance and that this is a testament that the Town of Bluffton is doing the right thing.

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 8.3% from prior year in the General Fund along with a (1.2%) decrease in the Licenses and Permits category with a slight decrease in permit revenue.

Expenditures are approximately \$400,000 less than the prior year for the consolidated funds due to the completed Capital Improvements Program Fund project expenditures of approximately \$6.5 million in the prior year and \$5.2 million in the current year. General Fund expenditures have increased approximately \$0.8 million from prior year due to additional expenses for Community Safety and Policing with the addition of staff and equipment.

General Fund Balance remains strong and had an increase of \$1,395,980 in FY 20, 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 \$12.3 million or 71% of FY 20 expenditures.

Toomer made a motion to accept the Fiscal Year 2020 Audit for the Town of Bluffton presented by Mauldin & Jenkins, LLC and its inclusion in the Comprehensive Annual Financial Report for the year ending June 30, 2020. Hamilton seconded. Roll call was taken, and the motion passed unanimously.

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 – First 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;

Benefits citizens as they will receive improved flood insurance rates:

- 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 FIRM's effective March 23, 2021 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 approximately three percent.

Wood made a motion to approve the 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 FEMA's Reevaluation 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 the Acceptance of Huggins Hollow, LLC's One Hundred Percent (100%) Annexation Petition to Annex Certain Real Properties Contiguous to the Town of Bluffton's Corporate Boundaries Consisting of a Total of 36.265 Acres, More or Less, and Bearing Beaufort County Tax Map Nos. R600 036 000 0001 0000, R600 036 000 001D 0000, R600 036 000 001F 0000, R600 036 000 001H 0000, R600 036 000 0364 0000, and R600 036 000 0439 0000 – Heather Colin, Director of Growth Management

Colin stated that on August 28, 2020 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"), Josh Tiller, of J.K. Tiller Associates, Inc., on behalf of the property owner Huggins Hollow, LLC, submitted a 100% Annexation Petition Application for six parcels totaling 36.265 acres adjacent to Gibbet Road on Huggins Hollow Lane and Jade Stone Court ("Properties") into the Town of Bluffton's municipal boundary.

Pursuant to the Annexation Manual, the Applicant also submitted a concurrent Zoning Map Amendment application requesting the Properties zoning designation as Agriculture (AG) subject to the Town of Bluffton Unified Development Ordinance which permits limited uses.

Per the revision to the Annexation Manual approved by Town Council Resolution on October 13, 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 Properties contains approximately 36.265 acres located within Unincorporated Beaufort County as shown on the Location Map provided in the application submittal. The Properties currently contain a single-family home, manufactured homes, campers, and accessory structures.

The Properties and a majority of the adjacent parcels are zoned as T2 - Rural pursuant to the Beaufort County Community Development Code.

A majority of the immediately adjacent properties are also within Unincorporated Beaufort County and are similarly zoned as T2 - Rural. The exception is the adjacent property to the north-east which

established the required contiguity as it is within the Town of Bluffton's Municipal Boundary and zoned as Buckwalter Planned Unit Development and part of the development known as Lawton Station.

The Applicant does not have a specific plan for the Properties to-date; however, they have considered possible future use as an RV Park which is permitted within the requested Agriculture (AG) District.

After Council discussion regarding the petition, there was not a motion to approve the annexation. *The motion died due to lack of a motion.*

Consent Agenda Items

1. Monthly Department Reports: Police, Finance & Administration, Municipal Court, Engineering, Don Ryan Center for Innovation, and Growth Management
2. Town Manager Monthly Report
3. Consideration of a Proposed Contractual Agreement Relating to Rewriting of the Comprehensive Plan – Heather Colin, Director of Growth Management
4. Consideration of a Resolution Amending the Town of Bluffton Employee Handbook for Process Changes and Clarity – Katherine Robinson, Director of Human Resources
5. Development Agreement Annual Update – Heather Colin, Director of Growth Management
6. Don Ryan Center for Innovation Annual Update – Mike Levine, CEO, Don Ryan Center for Innovation
7. Consideration of a Proposed Contractual Agreement Relating to Engineering Services for Calhoun Street and Boundary Street Streetscape Projects – Bryan McIlwee, Director of Engineering
8. COVID-19 Pandemic Update – Scott Marshall, Deputy Town Manager

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

Executive Session

1. Contractual Matters Relating to Buckwalter Place Multi County Industrial Park (MCIP) (Pursuant to SC Freedom of Information Act 30-4-70 [a][5])
2. Personnel Matters Relating to the Town Manager Contract and Discussion Regarding Appointment of Interim Town Manager (Pursuant to SC Freedom of Information Act 30-4-70 [a][1][2])
3. Personnel and Security Matters and Receipt of Legal Advice Involving a Sitting Town Council Member (pursuant to Section 30-4-70[a][1][2] and [3])

Toomer made a motion to move into Executive Session at 6:56 PM to discuss the aforementioned items. Frazier seconded. The motion was unanimous.

Town Council exited Executive Session at 8:48 PM. No motions were made, and no votes were taken during Executive Session.

Toomer made a motion to appoint Deputy Town Manager Scott Marshall as interim town manager as of January 20, 2021 for a salary of \$142,311 with the continuation of his current benefits. Wood seconded. Roll call was taken, and the motion passed unanimously.

Frazier made a motion to adjourn 8:50 p.m. Toomer seconded. The motion carried unanimously.



Lisa Sulka, Mayor



Kimberly Chapman, Town Clerk