

BLUFFTON TOWN COUNCIL MEETING MINUTES

July 9, 2019

Mayor Lisa Sulka called the meeting to order at 6:00 p.m. Council members present were Mayor Pro-Tempore Larry Toomer, Fred Hamilton, Dan Wood and Harry Lutz. Town Manager Marc Orlando, Deputy Town Manager Scott Marshall, Town Clerk Kimberly Chapman, Interim Director of Finance and Administration, Vickie Isaacs, Director of Growth Management, Heather Colin, Director of Engineering Bryan McIlwee, Police Chief Chris Chapmond, and Town Attorney Terry Finger were also in attendance.

Pledge of Allegiance and Invocation were given by Fred Hamilton.

Adoption of Agenda:

Hamilton made a motion to approve the agenda as presented with the addition of Representative Bill Herbkersman and Representative Weston Newton making a presentation to Town Council under Presentations, Celebrations and Recognitions as item VI.7. Toomer seconded. The motion carried unanimously.

Adoption of Minutes:

Town Council Regular Meeting Minutes of June 11, 2019.

Wood made a motion to adopt the minutes of June 11th as presented. Lutz seconded. The motion carried unanimously.

Presentations, Celebrations and Recognitions:

Mayor Sulka recognized the Town of Bluffton Finance Department on receiving the Outstanding Budget Presentation Award from Government Finance Officers Association.

Town Manager introduced the following Town of Bluffton interns:

- Walter Wheeler
- Hannah Hartberger
- Zachary Fangman
- Zachary Waters
- Gabriel del Valle

Dot Jegar gave a presentation on Rotary Club of Bluffton's involvement with the Oscar Frazier Field of Dreams and completion of the Pavilion. Jegar thanked the Town of Bluffton for the partnership and formally handed over the Pavilion to the Town of Bluffton.

Mary Lou Franzoni gave an update on the Lowcountry Regional Transportation Authority. Franzoni stated that there are currently seven commuter fixed routes in Allendale, Beaufort, Colleton, Hampton and Jasper Counties to Hilton Head Island; nine routes provide demand

response, contract and coordinated transportation service; the service area is 3,267 square miles.

Roberts Vaux, Ken Groff and Jim Bayer, Advisory Board members from the Greater Bluffton Chamber of Commerce, gave an overview of the Greater Bluffton Chamber of Commerce's Accommodations Tax Request. Mr. Groff stated that they had conducted an audit last month that reflected the following numbers: messages taken – 78; walk in's – 75; event searches – 9,339. Mr. Groff stated that they received many requests for a Bluffton map and that they would like to consolidate all the maps in Bluffton to one rather than everyone giving out different versions; he stated that the Greater Bluffton Chamber of Commerce would like to move forward with a strong partnership with the Town of Bluffton and be more active, share resources, and assist in delivering the message the Town would like delivered.

Mayor Sulka presented the Proclamation for Gullah/Geechee Nation Appreciation Week to Queen Quet.

Representative Bill Herbkersman and Representative Weston Newton presented the Town of Bluffton with a grant check for \$300,000 for the Calhoun Street regional tourism dock project.

Communications from Mayor and Council:

Councilman Wood congratulated the Police Officer of the Year Jason Rodriguez; stated that the Fourth of July Parade was great.

Mayor Sulka said that there was a great turnout for the 5K on the Fourth of July; congratulated the 14 teams that will be playing in the Dixie Youth Baseball state tournament and stated that Beaufort County Parks and Recreation is still in need of volunteers to help with the event.

Public Comment Relating to Formal Agenda Items:

There were none.

Formal Items:

Consideration of a Resolution to Encourage and Support Amending the South Carolina Code of Laws, Title 56, Motor Vehicles, Chapter 5, Uniform Act Regulating Traffic on Highways by Adding Provisions Defining and Prohibiting Distracted Driving- Scott Marshall, Deputy Town Manager

Marshall gave an overview. Marshall stated that Distracted driving is responsible for over 3,000 motor vehicle fatalities annually. The National Highway Traffic Safety Administration defines distracted driving as a specific type of driver inattention, which occurs when drivers divert their attention from the driving task to focus on some other activity.

Currently there are laws prohibiting texting and driving at the state and local levels with the identical language of:

"It shall be unlawful for a person to use an electronic communication device to compose, read, or send an electronic message while operating a motor vehicle..."

In addition to cell phone use and texting, however, there are many other forms of distracted driving including eating, talking to other passengers, applying makeup, or adjusting the car radio or climate controls.

There are no laws in the State of South Carolina that speak to forms of distracted driving beyond texting and driving. Further, local sub jurisdictions of the state are effectively prohibited from adopting laws further defining and prohibiting distracted driving by SC Code of Laws §56-5-3890(G). The SC Constitution also mandates uniformity for General Assembly regulated activity across the state. Thus, General Assembly action is required to amend the Uniform Act on Regulating Traffic on Highways to include a prohibition against distracted driving in forms beyond texting and driving.

The Resolution presented for consideration accomplishes two items:

1. It encourages and offers support to members of the SC General Assembly to introduce amendments to the SC Code of Laws which will prohibit distracted driving in all forms; and
2. It provides a copy of the Resolution to members of the Beaufort County Legislative Delegation and offers assistance from Town Council to formulate such amendments for consideration. A draft letter of transmittal to accomplish this has been prepared for Town Council's signature.

Lutz made a motion to adopt the Resolution to encourage and support amending the South Carolina Code of Laws, Title 56, Motor Vehicles, Chapter 5, Uniform Act Regulating Traffic on Highways, by Adding Provisions Defining and Prohibiting Distracted Driving. Hamilton seconded. The motion carried unanimously.

Consideration of Proposed Contractual Arrangement Related to the Town of Bluffton Designated Marketing Organization – Natalie Majorkiewicz

Majorkiewicz gave an overview. Majorkiewicz stated that the Town of Bluffton published a Designated Marketing Organization (DMO) Request for Proposal (RFP) on March 13, 2019. During the June 11th Town Council meeting, the Hilton Head Island – Bluffton Chamber of Commerce (HHIBCC) was awarded the contract for allocation of both state (30%) and local (up to 8%) accommodations tax revenues for an up to three-year term without an automatic renewal for additional terms. During the same meeting, a resolution was signed selecting HHIBCC to manage and direct the expenditures of the special fund consisting of thirty percent (30%) of state and up to eight percent (8%) of Local accommodations tax funds for FY2020.

Staff drafted a contract which incorporated the obligations imposed by state and local regulations as well as the requirements of the Request for Proposal, including a website unique to Bluffton found in section 1.6 of the contract. In addition, the recommendation by Councilman Wood to rephrase the examination of backup financial records as a mandatory obligation for the Chamber from a potential right to be exercised by the Town can be found in section 1.5.

Majorkiewicz stated that if Town Council should approve the proposed contractual arrangements related to the Town of Bluffton Designated Marketing Organization, that it will be reviewed and then signed by the Hilton Head Island Bluffton Chamber of Commerce in August.

Toomer made a motion to authorize the Town Manager to execute a contract between the Town of Bluffton and the Hilton Head Island Bluffton Chamber of Commerce as the Town of Bluffton's Designated Marketing Organization for an up to three-year term without an automatic renewal for additional terms. Lutz seconded. The motion carried unanimously.

Consideration of an Ordinance Amending Chapter 13 of the Town Code, Public Property; Chapter 18 to the Town Code, Offenses and Miscellaneous Provisions; and Chapter 22 of the Town Code, Streets, Sidewalks and Other Public Property for the Purpose of Consolidating, Clarifying and Augmenting Codified Rules for Public Parks, Docks and Boat Ramps – First Reading – Scott Marshall, Deputy Town Manager

Marshall gave an overview. Marshall stated that Town Council's consideration of the Ordinance is requested. The Ordinance, if adopted, will accomplish three objectives:

1. It will amend Chapters 13, 18 and 22 of the Town of Bluffton Code of Ordinances. The amendments directed by the Ordinance will result in a consolidated, codified source of rules for all Town of Bluffton owned and/or operated public parks, docks and boat landing; and
2. It will direct an amendment to define and include the term "electronic smoking device" in the definition of "smoking;" and
3. It will establish uniform penalties for the violation of park, dock and boat ramp rules.

Marshall stated:

1. Consolidating and codifying rules for all Town of Bluffton owned and/or operated public parks, docks and boat landing.

All parks in the Town are regulated to some extent through various provisions in the Town of Bluffton Code of Ordinances, primarily Chapter 1 - *General Provisions*, Chapter 13 – *Public Property*, Chapter 18 – *Offenses and Miscellaneous Provisions* and Chapter 22 – *Streets, Sidewalks, and Other Public Property*. Through formal agreements with Beaufort County and

enabling language in County ordinances, the Town exercises authority to establish rules for county-owned parks operated by the Town.

The form of approval used by Town Council in the establishment of rules specific to public use of parks, to include docks and ramps, varies by property. Some rules were codified, some rules were adopted Resolution, and some were approved by a majority vote of Town Council. Some properties have no formal rules established; however, they are covered under general terms through various sections in the chapters of Town Code listed above. For current state of rules for each public park, see below:

- Oyster Factory Park – Rules approved by majority vote of Town Council on 3/8/16.
- Oyster Factory Park Boat Ramp and Dock – Rules adopted by Ordinance on 8/9/16 and codified in Chapter 22.
- Oscar Frazier Park – No rules formalized by Town Council.
- Pocket Parks – Pritchard Pocket Park rules approved by majority vote of Town Council on 7/9/18. No formal rules have been approved for Tom Herbkersman Commons or the May River Road Pocket Park.
- Wright Family Park – Rules approved by majority vote of Town Council on 7/11/17.
- Park at 68 Boundary Street – No rules formalized by Town Council.
- Calhoun Street Dock – Currently covered under Dock and Ramp rules codified in Chapter 22, adopted on 8/9/16.
- Palmetto Bluff Dock - Currently covered under Dock and Ramp rules codified in Chapter 22, adopted on 8/9/16.
- New River Linear Trail – No rules formalized by Town Council.
- Dubois Park – Rules approved by majority vote of Town Council on 3/8/16. Smoking at Dubois Park is also currently addressed in Section 18-160.
- New Riverside Park – No rules formalized by Town Council.
- Buckwalter Place Veterans Memorial Park – No rules formalized by Town Council.

This issue was workshopped on May 14, 2019 where Town Council was presented with proposed amendments for discussion. Town Council was in general agreement with most of the proposed amendments. However, feedback was provided and further study was requested on several items, to include:

Rules for fishing on Calhoun Street Dock should match what is currently in place for the Oyster Factory Park Boat Landing.

Staff Response: The proposed amendment contains identical language with regard to fishing at all public docks, specifically, "Fishing is allowed so long as it does not interfere with docking of watercraft."

The Calhoun Street Dock Loading/Unloading Zone should be located to the far western end of the dock closest to the pedestrian gangway.

Staff Response: The conceptual drawing for the Calhoun Street Dock found at Attachment 6 has been modified to reflect the will of Council.

Request was made for Staff to engage with Palmetto Bluff regarding hours for the public dock at Palmetto Bluff.

Staff Response: Staff spoke with Palmetto Bluff Chief Operating Officer Dallas Wood on 5/31/19. Mr. Wood expressed that the desire of Palmetto Bluff was to not limit hours of access to the public dock at Palmetto Bluff. The amendment at Attachment 1, Exhibit "A" is silent with regard to hours for the Palmetto Bluff Dock, thus making the dock available 24 hours per day consistent with the preference of Palmetto Bluff management.

There should be no expressed prohibition of smoking in Oyster Factory Park.

Staff Response: The amendment at Attachment 1, Exhibit "A" is silent with regard to smoking at Oyster Factory Park.

Oyster Factory Boat Ramp priority of use should be on a simple "first-come, first-served" basis with no further clarifying language needed.

Staff Response: The language in the amendment at Attachment 1, Exhibit "A" regarding this issue is succinctly drafted as "Use shall be on a first-come, first-served basis."

Add a rule to prohibit hunting on the New River Linear Trail. Additional feedback received from Council following the workshop included a desire to also prohibit horses on the New river Linear Trail.

Staff Response: The amendment at Attachment 1, Exhibit "A" now includes a prohibition against hunting at all public parks, docks and boat ramp. A rule prohibiting horses on New River Trail has also been included in the amendment.

Include the Town-owned property at 184 Bluffton Road in the paragraph addressing Pocket Parks.

Staff Response: 184 Bluffton Road is included in the pocket parks identified in the amendment at Attachment 1, Exhibit "A."

Overnight camping should be expressed prohibited for all properties discussed.

Staff Response: The amendment at Attachment 1, Exhibit "A" prohibits overnight camping at all parks, dock and boat ramp.

Defining the term "electronic smoking device" and incorporating it into the definition of smoking.

- a. Currently the definition of "smoking" in Section 18-159 means inhaling exhaling, burning, lighting or carrying of a lighted cigarette, cigar, pipe or similar device or any other lighted tobacco product. It does not include electronic smoking devices (AKA e-cigarettes), which carry many already defined and additional yet to be determined long-term health risks. The use of electronic smoking devices is becoming more prevalent among the youth population. It is the recommendation of Staff to amend Section 18-159 to codify the term "electronic cigarette" and to include that term in the definition of "smoking."

- b. The definition of "electronic smoking device," as proposed in the amendment at Attachment 1, Exhibit "B" was modeled after the State of California's definition and is broad enough to cover current electronic nicotine (and other substances) delivery devices, regardless of variation or brand name. The definition proposed is *"any electronic product that can be used to aerosolize and deliver nicotine or other substances to the person inhaling from the device, including but not limited to an electronic cigarette, electronic cigarillo, or electronic pipe, and any cartridge or other component of the device or product."*
- c. The definition of "smoking," as proposed in the amendment at Attachment 1, Exhibit "B" is *"the inhaling exhaling, burning, lighting or carrying of any lighted cigarette, cigar, pipe, electronic smoking device, or other similar device or any other lighted tobacco product."*

Uniform penalties for violation of park and dock rules.

- a. Currently, penalties for violating dock and boat landing rules are found in Section 22-131 and include fine not to exceed \$200 or imprisonment not to exceed 30 days. Penalties for violating dog park rules are found in Section 22-148 and include fine not to exceed \$500, or imprisonment not to exceed 30 days, or both. Penalties for all other parks and public property are governed by Section 1-7 and include fine not to exceed \$500, or imprisonment not to exceed 30 days, or both.
- b. Staff recommends the establishment of uniform penalties for violations of codified park and dock rules. Further, it is recommended that the penalties be consistent with the standard misdemeanor penalties provided in Section 1-7, which are:
 - i. Fine not to exceed \$500; or
 - ii. Imprisonment not to exceed 30 days; or
 - iii. Both

After synthesizing input from Town Council and other requisite research, the following rules are reflected in the amendments being proposed in the Ordinance:

1. General Prohibitions and Rules Applicable to all Parks and Docks (as proposed in amendments):
 - A. No Overnight Camping.
 - B. No Littering.
 - C. Alcohol:
 - 1) Prohibited except as permitted in Section 22, Article IV or unless otherwise restricted.
 - 2) Strictly prohibited at:
 - a) Dubois Park

- b) Wright Family Park
- c) Calhoun Street Dock
- d) Park at 68 Boundary Street
- e) New River Linear Trail

D. No Solicitation.

E. Fireworks.

1) Prohibited except as provided for in Section 14, Article IV or unless otherwise restricted.

2) Strictly prohibited at:

- a) All pocket parks
- b) Wright Family Park
- c) Calhoun Street Dock
- d) New River Linear Trail

F. Fires.

1) Prohibited except as allowed IAW Section 13-10 and Section 14 or otherwise restricted

2) Strictly prohibited at:

- a) All pocket parks
- b) New River Linear Trail
- c) Dubois Park

G. No Weapons.

H. No Hunting.

I. Pets must be under restraint at all times and in compliance with Chapter 4 of the Town Code – *Animals*.

J. Motorized vehicles and parking allowed only in designated areas.

K. No structural alterations.

2. Wright Family Park Rules.

A. Hours. Sunrise to sunset.

B. Fireworks are strictly prohibited.

C. Alcohol is strictly prohibited.

D. Amplified music is prohibited.

E. Smoking is prohibited.

3. Calhoun Street Dock Rules.

- A. Hours. Sunrise to 10:00 p.m.
- B. Maximum docking time of three hours cumulative in a 24-hour period.
- C. No blocking, obstructing access, congesting of dock, etc.
- D. Maximum vessel size of 60 feet.
- E. No barges allowed.
- F. Shall not be used as a point of commerce, rental or sale of kayaks, paddleboards, wave runners or any other recreational water vehicle or apparatus.
- G. Commercial use limited to 15 minutes for loading and unloading of passengers and/or cargo.
- H. Alcohol is strictly prohibited.
- I. Vessels needing repair must moor to extreme end of dock and get underway as soon as possible.
- J. Fishing is allowed so long as it does not interfere with docking of watercraft.
- K. Emergency vehicles have priority over all others.
- L. Vessels shall be secured at the bow and stern; tethering of one vessel to another is prohibited.
- M. Fueling a vessel while docked is prohibited.
- N. No motor vehicles allowed on dock.
- O. No skateboards, rollerblading, roller-skating, scooters, bikes, etc. permitted on dock.
- P. Damage to dock, floating pier, walkway, etc. shall be paid for by the person responsible for the damages.
- Q. No discharge of raw, untreated sewage from any watercraft.
- R. No storage and disposal of toxic substances.

4. Oyster Factory Park Rules (In General).

- A. Hours. Sunrise to sunset unless special events permit has been issued. Exceptions to this are boat ramp and dock.
- B. No grilling under the pavilion.
- C. No vehicles, boats or trailers to be parked for more than 24 hours.
- D. No skateboards, rollerblading, roller-skating, scooters, bikes, etc. permitted on docks, landings or walkways.

5. Oyster Factory Park Dock Rules.

- A. No blocking, obstructing access, congesting of dock, etc.

- B. Maximum docking time of three hours cumulative in a 24-hour period.
 - C. Vessels needing repair must moor to extreme end of dock and get underway as soon as possible.
 - D. Fishing is allowed so long as it does not interfere with docking of watercraft.
 - E. Emergency vehicles have priority over all others.
 - F. Vessels shall be secured at the bow and stern; tethering of one vessel to another is prohibited
 - G. Fueling a vessel while docked is prohibited.
 - H. No motor vehicles allowed on dock.
 - I. Damage to dock, floating pier, walkway, etc. shall be paid for by the person responsible for the damages.
 - J. No discharge of raw, untreated sewage from any watercraft.
 - K. No storage and disposal of toxic substances.
6. Oyster Factory Boat Ramp Rules.
- A. Use shall be on a first-come, first-served basis.
 - B. Unattended or abandoned vehicles or watercraft may not obstruct access and may be removed by the Town Manager.
 - C. Oystermen, crabbers, commercial fisherman and other commercial users may use the landing but must limit their time to 15 minutes when other citizens are waiting to load or unload.
 - D. Fishing is allowed so long as it does not interfere with docking of watercraft.
 - E. Town Manager may utilize landing for any government use at his discretion.
7. Palmetto Bluff Public Dock Rules.
- A. No blocking, obstructing access, congesting of dock, etc.
 - B. Maximum docking time of three hours cumulative in a 24-hour period.
 - C. Commercial use limited to 15 minutes for loading and unloading of passengers and/or cargo.
 - D. Alcohol is strictly prohibited.
 - E. Fishing is allowed so long as it does not interfere with docking of watercraft.
 - F. Vessels needing repair must moor to extreme end of dock and get underway as soon as possible.
 - G. Emergency vehicles have priority over all others.

- H. Vessels shall be secured at the bow and stern; tethering of one vessel to another is prohibited
 - I. Fueling a vessel while docked is prohibited.
 - J. No motor vehicles allowed on dock.
 - K. No skateboards, rollerblading, roller-skating, scooters, bikes, etc. permitted on dock.
 - L. Damage to dock, floating pier, walkway, etc. shall be paid for by the person responsible for the damages.
 - M. No discharge of raw, untreated sewage from any watercraft.
 - N. No storage and disposal of toxic substances.
8. Oscar Frazier Park Rules (not to include baseball complex under operational control of Beaufort County).
- A. Hours. Sunrise to sunset, unless a special events permit has been issued.
 - B. Smoking is prohibited.
 - C. No grilling underneath the pavilion.
9. Dog Park Rules.
- A. Hours. Sunrise to sunset unless a special events permit has been issued.
 - B. Children under 12 not permitted.
 - C. Dogs shall not be unattended.
 - D. Dogs under 4-months-old not permitted.
 - E. No female dogs in heat permitted.
 - F. No food of any kind, treats or glass containers allowed.
 - G. No climbing on fences.
 - H. Professional trainers shall not use the park to conduct business.
 - I. Dogs are the only animals allowed in the park.
 - J. No dog shall be permitted to attack, bite, molest, leap, jump or harass anyone or any dog, whether leashed or unleashed.
 - K. No dog permitted in the park who is known to have previously attacked, bitten, molested or harmed anyone or any other animal.
 - L. No more than two dogs are permitted per person.
 - M. Dogs must remain on leash when entering and exiting the park.
 - N. Gates must be closed and latched immediately upon entering and exiting.
 - O. Only dogs that are under voice control or supervision, as defined in Sec. 4-27, may be allowed off leash.

- P. Owners/handlers are responsible for any injuries caused by their dog(s).
- Q. All dogs must be licensed and current with required vaccinations.
- R. Dogs must not be allowed to dig. Owner/handler is responsible for refilling any holes.
- S. Objects left in the dog park are considered trash and will be disposed of accordingly

10. Rotary Community Center Rules.

- A. Smoking is prohibited both inside and outside of the Rotary Community Center.
- B. Pets. Only service dogs are permitted inside the Rotary Community Center.

11. Pocket Park Rules (Includes Pritchard Pocket Park, May River Road Packet Park, Tom Herbkersman Commons, and the park at 184 Bluffton Road).

- A. Hours. Sunrise to sunset.
- B. Fires are prohibited; no grilling.
- C. Fireworks are strictly prohibited.
- D. Smoking is prohibited.

12. Dubois Park Rules.

- A. Hours. Sunrise to sunset.
- B. Fires are prohibited; no grilling underneath the pavilion
- C. Alcohol is strictly prohibited.
- D. No smoking.

13. Park at 68 Boundary Street Rules.

- A. Hours. Sunrise to sunset unless a special events permit has been issued.
- B. No grilling allowed.
- C. Alcohol is strictly prohibited.
- D. No smoking.

14. New Riverside Park Rules.

- A. Hours. Sunrise to sunset unless a special events permit has been issued.
- B. Smoking is prohibited.

15. Buckwalter Place Veterans Memorial Park Rules.

- A. Hours. Sunrise to sunset unless a special events permit has been issued.
- B. No smoking.

16. New River Linear Trail Rules.

- A. Hours. Sunrise to sunset.
- B. Fires are strictly prohibited; no grilling.
- C. Motorized vehicles prohibited with exception of ADA-compliant motorized wheelchairs and vehicles used by Town employees in performance of official duties.
- D. Fireworks strictly prohibited.
- E. No horses.
- F. Alcohol is strictly prohibited.
- G. Smoking is prohibited.

After a brief discussion, Council requested that smoking also be prohibited at the Calhoun Street and Oyster Factory Park Docks. Mr. Marshall confirmed with Mr. Finger that this requested change could be made between first and second reading.

Wood made a motion to adopt the Ordinance amending Chapters 13, 18 and 22 of the Town of Bluffton Code of Ordinances for the purposes of consolidating, clarifying and augmenting codified rules for public parks, docks and boat ramps. Hamilton seconded. The motion carried unanimously.

Consideration of a Resolution to Approve Renewal of the Memorandum of Understanding with Cornerstone Church to Provide Public Parking in the Bluffton Historic District – Scott Marshall, Deputy Town Manager

Marshall gave an overview. Marshall stated that the Calhoun Street and Adjacent Areas Study, approved in February 2016, aided the final urban design plan for the Calhoun Street corridor. The need for additional parking opportunities to service the growing visitor and worker population was a finding of the Study. Town Council reviewed and authorized Staff to facilitate shared parking agreements with entities within the Historic District which have existing parking facilities.

In the spring of 2016, as part of the annual budget submission process, Council was informed of the opportunity for a shared parking agreement with Cornerstone Church, at the corner of Calhoun Street and May River Road and provided direction to Staff to pursue.

The Town subsequently entered into an MOU with Cornerstone Church to provide 50 public parking spaces at all times, except during Sunday services and at other annual events sponsored by the church, at a cost to the Town of \$1,000 per month. The terms of the initial MOU were for two years, effective as of June 14, 2016, and are renewable annually upon mutual consent. This agreement was renewed with Amendment #1 to the original MOU in 2018 under the

original financial terms.

The proposed Amendment #2 to the MOU, has been drafted, reviewed by the Town Attorney, and agreed to by Cornerstone Church. The amendment will extend the MOU for an additional year under the original financial terms.

Toomer made a motion to adopt the Resolution to approve renewal of the Memorandum of Understanding with Cornerstone Church to Provide Public Parking in the Bluffton Historic District. Lutz seconded. The motion carried unanimously.

Consideration of a Resolution to Renew the Memorandum of Agreement 2017-69 between the Bluffton Historical Preservation Society and the Town of Bluffton for Welcome Center Services- Natalie Majorkiewicz, Treasury Manager

Majorkiewicz gave an overview. Majorkiewicz stated that during the June 11th Town Council meeting, Town Council contingently awarded One Hundred, Ninety Thousand dollars (\$190,000) to the Bluffton Historical Preservation Society (BHPS) pending an update to Memorandum of Agreement (MOA) 2017-69. Staff drafted Amendment 1 to MOA 2017-69 which incorporates the following:

- Additional language has been added to:
 - Attain consistency with the recent DMO contract language where possible and
 - Includes the update to the budget schedule now incorporating presentations to Town Council in January.
 - This is a presentation for the upcoming fiscal year budget request, in principle.
 - Still contains the requirement to apply for accommodations tax funds by the quarter ending March 31st.
 - Maintains a fiscal year term, consistent with the application and both BHPS's and Town's fiscal year and removes the automatic renewal terminology.
 - Clarifies reporting requirements and expectations.
- **Bluffton Historical Preservation Society (BHPS) requested \$190,000 to support the Welcome Center at the Heyward House.**
- The Heyward House serves as the Town of Bluffton's official Welcome (Visitors) Center.
 - The request of \$190,000 is approximately 87% of the Welcome Center's budget and 64% of the entire BHPS budget.
 - This year's request is up \$5,000 from last year's annual operating request and is for the Welcome Center's operating budget for FY20.

- Total visitors projected for FY2019 is 13,000. This projection of visitors has increased from prior years in part due to Garvin-Garvey House tours that began in October 2017 and have had almost 1,600 visitors as of March 2019.
- In FY2018, approximately 82% of the 10,642 visitors were from out of town.

Using last year’s budget and award, there is a significant increase in advertising and marketing. The increased budget is to support additional Facebook advertising posts, reprinting of the Heyward House brochures, and other marketing of the Heyward House in print, radio, and TV advertising. The marketing and social media efforts, including partnerships with other local organizations, has helped the Heyward House to become “the place to start” when exploring the Town of Bluffton.

Below is a comparison of the Welcome Center’s FY19 and FY20 budgets:

Bluffton Welcome Center	FY2019 Total Budget	FY2019 ATAX Award 81%	FY2020 Total Budget	FY2020 Recommended ATAX Award 82%	% Increase/ (Decrease) in ATAX Awards
Salaries and Benefits:	\$ 102,000	\$ 83,435	\$ 121,500	\$ 105,707	27%
Mortgage, Insurance & Utility Costs:	30,750	25,155	34,830	28,561	14%
Programs:	2,625	2,625	3,500	3,500*	33%
Advert. & Marketing:	7,900	7,900	25,000	25,000*	216%
Equipment Upgrades:	1,500	1,227	3,645	2,989	144%
Contract Services:	21,375	17,485	25,677	21,055	20%
Other:	5,100	4,173	3,888	3,188	(24%)
Capital Improvements:	43,000	43,000	0	0	(100%)
Total	\$ 214,250	\$ 185,000	\$ 218,040	\$ 190,000	3%

* Notes items funded at 100% while others are funded based on percentage of tourism.

- Eligible “tourism-related expenditures” include:
 - “Advertising and promotion of tourism” is budgeted at \$25,000 for increasing reaches through Facebook and reprinting brochures and marketing materials to include Garvin-Garvey House to be placed in rack card stands or with the concierge at hotels throughout Beaufort County, SC Welcome Centers, Gullah Geechee Museum, Chambers, and other historic sites, including Penn Center and Verdier House.

- “Arts & Cultural Events” is budgeted at \$3,500 for tours and events including the annual oyster roast and a Historical Cocktail Party planned for next year during the Arts and Seafood Festival.
- “Operating Visitor Information Center” remaining amount requested is \$161,500 and qualifies per SC Revenue Ruling #98-22, “*expenditures that will qualify under this category are any monies spent to operate and maintain centers whose primary purpose is to provide information, brochures, and other services to tourist.*”

The committee voted to recommend a total award of \$190,000.

Welcome Center at the Heyward House	Total Budget	Recommended ATAX Grant (approx. 87% of project budget)
Advertising and Promotion of Tourism:	\$ 25,000	\$ 25,000
Arts & Cultural Events:	3,500	3,500
Operating Visitor Information Center:	189,540	161,500
Total	\$ 218,040	\$ 190,000

Wood made a motion to approve the Resolution renewing the Memorandum of Agreement 2017-69 for an additional fiscal year term beginning July 1, 2019 through Amendment 1 between the Town of Bluffton Historical Preservation Society for Welcome Center services with the addition of indemnification language. Lutz seconded. The motion carried unanimously.

Consideration of a Resolution to Adopt the Town of Bluffton Police Department 2019-2022 Strategic Plan – Chris Chapmond, Chief of Police

Chapmond gave an overview. Chapmond stated that Following the comprehensive development of a strategic plan designed specifically for the Bluffton Police Department, and with significant input from departmental staff, Town Senior Staff, community members and using data collected locally and nationally, Bluffton Police Department staff drafted a formal Strategic Plan for fiscal years 2019-22. The plan identifies planning objectives and action items that will provide policy guidance in managing and directing the application of police department resources.

The Strategic Plan is designed around the six pillars of the Presidential Task Force on 21st Century Policing. The principles outlined in the report helped the Bluffton Police Department frame our goals for the foreseeable future. Focusing on building trust and legitimacy, policy and

oversight, technology and social media, community policing, crime and crash reduction, officer education and training, and officer safety and wellness will help us rise to the next level in the policing profession.

Toomer made a motion to accept the Bluffton Police Department's Strategic Plan for Fiscal years 2019-2021. Lutz seconded. The motion carried unanimously.

Consideration of an Ordinance Authorizing the Town Manager to Execute an Agreement Providing a Non-Exclusive Easement Over Certain Real Property Owned by the Town of Bluffton Consisting of Parcel R 610 039 000 0498 0000, Located at 1095 May River Road in Favor of the Beaufort Jasper Water and Sewer Authority (BJWSA) for the Construction and Maintenance of Sanitary Sewer Improvements to Serve the Property – First Reading, Bryan McIlwee, Director of Engineering

McIlwee gave an overview. McIlwee stated that On April 10, 2018, Town of Bluffton Town Council adopted a Resolution authorizing the purchase of approximately 1.78 acres of real property located at 1095 May River Road (TMS No. R610-039000-0498-0000) from KGB 1934 LTD CO. Attachment 1 is a plat map showing the property. The Town finalized the purchase of the property on July 13, 2018. Sewer service is not currently available to the property. Water service is available from a watermain in the right of way of May River Road.

The Town of Bluffton is currently in the process of gaining final approval from Beaufort Jasper Water and Sewer Authority ("BJWSA") for plans to construct sanitary sewer and water mains to serve the homes in the vicinity of Poseys Court. At the May 14, 2019 Town Council Meeting, Town Council adopted the Resolution of Just Compensation for the acquisition of the easements necessary to construct the project. In order to provide sanitary sewer service to the properties along Poseys Court and to the Town's property at 1095 May River Road the sewer main must be extended to the property. The requested easement is for the facilities that must be installed in order to provide sewer service. The proposed Easement Agreement

The conveyance of the easements to BJWSA will make it possible to serve the entire property with sanitary sewer, which maximizes the development options.

Should Town Council desire to pursue the granting of an easement, formal action to authorize the easement via Ordinance is necessary. In accordance with Sections 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, Town Council must act by Ordinance to convey, lease, or authorize the conveyance or lease of any Town owned lands as well as easements and public rights of way.

Lutz made a motion to approve the first reading of an Ordinance to authorize the Town Manager to execute an Easement Agreement providing a non-exclusive easement over certain real property owned by the Town of Bluffton, located at 1095 May River Road, in

favor of Beaufort Jasper Water and Sewer Authority for the construction and maintenance of sanitary sewer improvements. Toomer seconded. The motion carried unanimously.

Consent Agenda:

1. Monthly Department Reports: Police, Finance/Administration, Engineering, Don Ryan Center for Innovation, and Growth Management
2. Town Manager's Monthly Report
3. Consideration of a Resolution to Adopt the Revised Town of Bluffton Employees Handbook – Katherine Robinson, Director of Human Resources
4. Consideration of a Resolution to Approve an Intergovernmental Agreement for Mutual Aid Between the Town of Bluffton and the City of Beaufort to Law Enforcement Services- Chris Chapmond, Chief of Police
5. Consideration of a Resolution to Approve the Intergovernmental Agreement for Mutual Aid Between the Town of Bluffton and the City of Hardeeville for Law Enforcement Services- Chris Chapmond, Chief of Police
6. Consideration of a Resolution to Approve an Intergovernmental Agreement between the Town of Bluffton and the City of Port Royal for Law Enforcement Services- Chris Chapmond, Chief of Police
7. Consideration of a Resolution of Intent to Reimburse Expenditures for Vehicles and Equipment Prior to Issuance of Installment Financing Agreement- Vickie Isaacs, Interim Director of Finance and Administration
8. Consideration of a Resolution Encouraging the South Carolina General Assembly to Adopt H.3063, "Hate Crime Bill" – Scott Marshall, Deputy Town Manager

Wood made a motion to accept the Consent Agenda as presented. Lutz seconded. The motion carried unanimously.

Public Comments Not Related to Agenda Items:

Elizabeth Lovell, 7 Albert Green Lane – Spoke regarding the desire to have mixed use zoning on Buck Island Simmonsville Road.


Executive Session:

1. Contractual Matters Regarding the Greater Bluffton Chamber and Convention Visitors Bureau, Inc. (Pursuant to SC Freedom of Information Act 30-4-70[a][1])

Toomer made a motion to go into Executive Session to discuss the aforementioned items. Lutz seconded. The motion carried unanimously. Town Council entered Executive Session at 8:30 p.m.

Town Council exited Executive Session and resumed their regular public meeting at approximately 9:42 p.m. No motions were made, and no votes were taken during Executive Session.

Wood made a motion to adjourn. Hamilton seconded. The meeting adjourned at 9:44 p.m.



Mayor



Town Clerk