



## County Council Meeting Beaufort County, SC

This meeting was held both in person at the County Council Chambers, 100 Ribaut Road, Beaufort and also virtually through Zoom.

Monday, March 14, 2022  
6:00 PM

### MINUTES

*To hear the Council's full discussion of a specific topic or the complete meeting, watch the video stream available on the County's website. <https://beaufortcountysc.new.swagit.com/videos/156552>*

#### 1. CALL TO ORDER

Chairman Passiment called the meeting to order at 6:01 PM.

#### PRESENT

Chairman Joseph F. Passiment  
Vice-Chairman D. Paul Sommerville  
Council Member York Glover  
Council Member Chris Hervochon  
Council Member Stu Rodman  
Council Member Alice Howard  
Council Member Mark Lawson  
Council Member Lawrence McElynn  
Council Member Gerald Dawson  
Council Member Brian Flewelling  
Council Member Logan Cunningham

#### 2. PLEDGE OF ALLEGIANCE AND INVOCATION

Council Member Lawson led the pledge of allegiance and gave the invocation.

#### 3. FOIA

Chairman Passiment stated public notice of this meeting had been published, posted, and distributed in compliance with the SC Freedom of Information Act.

#### 4. APPROVAL OF AGENDA

**Motion to Amend:** It was moved by Council Member Howard, Seconded by Council Member Rodman, to amend the agenda to remove item 13 from the consent agenda as it is a duplicate.

**The Vote** - The motion was approved without objection.

**Main Motion:** It was moved by Council Member Rodman, Seconded by Council Member Howard, to approve the agenda as amended.

**The Vote** - The motion was approved without objection.

**5. APPROVAL OF MINUTES**

**Motion:** It was moved by Council Member Lawson, Seconded by Council Member Dawson, to approve the minutes from December 13, 2021, and January 10, 2022.

**The Vote** - The motion was approved without objection.

**6. ADMINISTRATOR'S REPORT**

Please click the link below to see County Administrator Eric Greenway's report.

<https://beaufortcountysc.new.swagit.com/videos/156552>

**7. PRESENTATION OF A PROCLAMATION RECOGNIZING MARCH 2022 AS DISABILITIES AWARENESS MONTH**

Council Member McElynn presented a proclamation to Beaufort County's DSN department recognizing March 2022 as Disabilities Awareness Month.

**8. PRESENTATION OF A PROCLAMATION RECOGNIZING MARCH 2022 AS PROCUREMENT MONTH**

Council Member Lawson presented a proclamation to Dave Thomas and Victoria Moyer, recognizing March 2022 as Procurement Month.

**9. CITIZEN COMMENTS**

Please click the link below to see the citizen comments.

<https://beaufortcountysc.new.swagit.com/videos/156552>

Julie Matthews

Laura Lee Rose

Megan Barkley

Christopher Thompson

**10. LIAISON AND COMMITTEE REPORTS**

Please click the link below to see the liaison and committee report.

<https://beaufortcountysc.new.swagit.com/videos/156552>

**11. APPROVAL OF CONSENT AGENDA**

**Motion:** It was moved by Council Member Rodman, Seconded by Council Member Cunningham to approve the consent agenda.

**The Vote** – The motion was approved without objection.

**12. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE FOR APPROVAL OF A ZONING MAP AMENDMENT/REZONING REQUEST FOR NINETEEN (19) RURAL AND CRITICAL LANDS PRESERVATION PROGRAM PROPERTIES FROM VARIOUS ZONING DISTRICTS TO T1 NATURAL PRESERVE (T1NP)**

**Motion:** it was moved by Council Member Flewelling, Seconded by Council Member Howard, to approve the public hearing and second reading of an ordinance for approval of a zoning map amendment/rezoning request for nineteen (19) rural and critical lands preservation program properties from various zoning districts to T1 natural preserve (T1NP).

The Chairman opened the floor for the public hearing.

No one came forward.

The Chairman closed the public hearing.

**Discussion:** Council Member Lawson stated this is over bureaucratic control, and he will vote against it.

Council Member Flewelling stated this is a strategy to limit property throughout the county that is near rural and critical lands property.

**The Vote** - Voting Yea: Chairman Passiment, Vice Chairman Sommerville, Council Member Glover, Council Member Hervocho, Council Member Rodman, Council Member Howard, Council Member McElynn, Council Member Dawson, Council Member Flewelling, Council Member Cunningham. Voting Nay: Council Member Lawson. The motion passed 10:1.

**13. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE FOR APPROVAL OF A ZONING MAP AMENDMENT REQUEST FOR 6.26 ACRES (R100 027 000 0387 0000) 186 CHEROKEE FARMS ROAD FROM T2 RURAL TO T4 HAMLET CENTER OPEN**

**Motion:** it was moved by Council Member Flewelling, Seconded by Council Member Howard, to approve public hearing and second reading of an ordinance for approval of a zoning map amendment request for 6.26 acres (R100 027 000 0387 0000) 186 Cherokee Farms Road from T2 rural to T4 Hamlet Center Open.

The Chairman opened the floor for the public hearing.

No one came forward.

The Chairman closed the public hearing.

**The Vote** - The motion passed without objection.

**14. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE FOR APPROVAL OF A TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): SECTIONS A.2.40 (PERMITTED ACTIVITIES), A.4.40 (PERMITTED ACTIVITIES), AND A.5.40 (PERMITTED ACTIVITIES) TO REVISE THE LADY'S ISLAND COMMUNITY PRESERVATION, LADY'S ISLAND NEIGHBORHOOD ACTIVITY CENTER, AND LADY'S ISLAND PROFESSIONAL OFFICE DISTRICTS TO INCLUDE SHORT-TERM RENTALS AS A SPECIAL USE**

**Motion:** It was moved by Council Member Howard, Seconded by Council Member Dawson, to approve the public hearing and second reading of an ordinance for approval of a text amendment to the Community Development Code (CDC): Sections A.2.40 (Permitted Activities), A.4.40 (Permitted Activities), and A.5.40 (Permitted Activities) to revise the Lady's Island community preservation, Lady's Island neighborhood activity center, and Lady's Island professional office districts to include short-term rentals as a special use.

The Chairman opened the floor for the public hearing.

No one came forward.

The Chairman closed the public hearing.

**The Vote** - The motion was approved without objection.

**15. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE FOR APPROVAL OF A ZONING MAP AMENDMENT/REZONING REQUEST FOR 6.55 ACRES (R600 041 000 0172 0000) AT 28 BUCKINGHAM PLANTATION DRIVE FROM T4 HAMLET CENTER OPEN TO T4 NEIGHBORHOOD CENTER**

**Motion:** it was moved by Council Member Rodman, Seconded by Council Member Lawson, to approve the public hearing and second reading of an ordinance for approval of a zoning map amendment/rezoning

request for 6.55 acres (R600 041 000 0172 0000) at 28 Buckingham Plantation Drive from T4 Hamlet Center Open to T4 Neighborhood Center.

The Chairman opened the floor for the public hearing.

No one came forward.

The Chairman closed the public hearing.

**Discussion:** Council Member Hervochon stated this is in his district, and he plans to vote against it due to his concern about the amount of development happening in that area and upzoning it would add to the density.

Council Member Flewelling stated this property has a lot of history, and he voted in favor of the original zoning request 11 years ago. As time has gone on, he feels Council needs to be consistent and say this property will not be up zoned.

Council Member Cunningham stated he voted against this at committee and will do so at Council and, to play devil's advocate, asked why Council isn't asking for affordable housing with this request but is requiring it for Malind Bluff.

Please click the link below to see the full discussion regarding this item.

<https://beaufortcountysc.new.swagit.com/videos/156552?ts=2752>

**The Vote** - Voting Yea: Chairman Passiment, Council Member Rodman, Council Member Howard, Council Member Lawson. Voting Nay: Vice Chairman Sommerville, Council Member Glover, Council Member Hervochon, Council Member McElynn, Council Member Dawson, Council Member Flewelling, Council Member Cunningham. The motion was defeated 4:7.

**16. PUBLIC HEARING AND SECOND READING FOR AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS TO CONVEY A PORTION OF PROPERTY OWNED BY BEAUFORT COUNTY WITH TMS NO. R200 010 000 0170 0000**

**Motion:** It was moved by Council Member Cunningham, Seconded by Council Member Howard, to approve the public hearing and second reading for an ordinance authorizing the County Administrator to execute the necessary documents to convey a portion of property owned by Beaufort County with TMS No. R200 010 000 0170 0000.

The Chairman opened the floor for the public hearing.

No one came forward.

The Chairman closed the public hearing.

**The Vote** - The motion was approved without objection.

**17. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE TO AMEND THE 2021-22 BUDGET TO RECOGNIZE ARPA FUND EXPENDITURES**

**Motion:** It was moved by Council Member Lawson, Seconded by Council Member McElynn, to approve the public hearing and second reading of an ordinance to amend the 2021-22 budget to recognize ARPA fund expenditures.

The Chairman opened the floor for the public hearing.

No one came forward.

The Chairman closed the public hearing.

**The Vote** - The motion was approved without objection.

**18. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE FOR APPROVAL OF FY 2022 LOCAL ACCOMMODATIONS & LOCAL HOSPITALITY TAX GRANT AWARDS - FISCAL IMPACT: RECOMMENDATIONS OF \$2,399,808 TO BE PROVIDED OUT OF THE LOCAL ACCOMMODATIONS TAX FUND AND THE LOCAL HOSPITALITY TAX FUND**

**Motion:** It was moved by Council Member McElynn, Seconded by Council Member Lawson, to approve the public hearing and second reading of an ordinance for approval of FY 2022 local accommodations & local hospitality tax grant awards.

The Chairman opened the floor for the public hearing.

No one came forward.

The Chairman closed the public hearing.

**The Vote** - The motion was approved without objection.

**19. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE OF THE COUNTY COUNCIL OF BEAUFORT COUNTY, SOUTH CAROLINA ("COUNCIL") ESTABLISHING AND ADOPTING AN EMERGENCY MEDICAL SERVICES ("EMS") DEVELOPMENT IMPACT FEE ("IMPACT FEE") TO BE IMPOSED ON ALL NEW DEVELOPMENT IN THE COUNTY EXCEPT FOR NEW DEVELOPMENT IN THE TOWN OF HILTON HEAD ISLAND; TO ENSURE THAT EMS FACILITIES (EMS STATIONS AND EMERGENCY VEHICLES) WILL BE AVAILABLE AND ADEQUATE TO ACCOMMODATE THE NEED EXPECTED TO BE GENERATED FROM NEW DEVELOPMENT IN THE COUNTY (EXCEPT WITHIN HILTON HEAD ISLAND) BASED ON THE COUNTY'S LEVEL OF SERVICE STANDARDS FOR EMS FACILITIES AND CAPITAL IMPROVEMENTS PLAN (CIP), AND TO ASSIGN THE COSTS OF SUCH EMS FACILITIES ON A PROPORTIONATE SHARE BASIS TO NEW DEVELOPMENT**

**Motion:** It was moved by Council Member Rodman, Seconded by Council Member McElynn, to approve the public hearing and second reading of an ordinance of the County Council of Beaufort County, South Carolina ("Council") establishing and adopting an Emergency Medical Services ("EMS") Development Impact Fee ("impact fee") to be imposed on all new development in the county except for new development in the Town of Hilton Head Island; to ensure that EMS facilities (EMS stations and emergency vehicles) will be available and adequate to accommodate the need expected to be generated from new development in the county (except within Hilton Head Island) based on the county's level of service standards for EMS facilities and Capital Improvements Plan (CIP), and to assign the costs of such EMS facilities on a proportionate share basis to new development.

The Chairman opened the floor for the public hearing.

No one came forward.

The Chairman closed the public hearing.

**The Vote** - Voting Yea: Chairman Passiment, Vice Chairman Sommerville, Council Member Hervochon, Council Member Rodman, Council Member Howard, Council Member Lawson, Council Member McElynn, Council Member Dawson, Council Member Cunningham. Voting Nay: Council Member Glover, Council Member Flewelling. The motion passed 9:2.

**20. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE FOR APPROVAL OF A TEXT AMENDMENT TO THE BEAUFORT COUNTY CODE OF ORDINANCES, CHAPTER 82: IMPACT FEES, ARTICLE I, IN GENERAL; ARTICLE II, DEVELOPMENT IMPACT FEE PROCEDURES; ARTICLE III, PARKS, AND RECREATION FACILITIES; ARTICLE V, LIBRARY FACILITIES; ARTICLE VI, FIRE FACILITIES; AND EFFECTIVE DATES**

**Motion:** It was moved by Council Member Howard, Seconded by Council Member Lawson, to approve the public hearing and second reading of an ordinance for approval of a text amendment to the Beaufort County Code of Ordinances, Chapter 82: Impact Fees, Article I, in general; Article II, Development Impact

Fee Procedures; Article, III, Parks, and Recreation Facilities; Article V, Library Facilities; Article VI, Fire Facilities; and Effective Dates.

The Chairman opened the floor for the public hearing.

No one came forward.

The Chairman closed the public hearing.

**The Vote** - Voting Yea: Chairman Passiment, Vice Chairman Sommerville, Council Member Hervocho, Council Member Rodman, Council Member McElynn, Council Member Dawson, Council Member Cunningham. Voting Nay: Council Member Glover, Council Member Flewelling. The motion passed 9:2.

**21. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE FOR APPROVAL OF A TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): SECTION 4.1.70 (DRIVE-THROUGH FACILITIES) TO CLARIFY THE STANDARDS FOR DRIVE-THROUGHS IN TRANSECT ZONES AND TO ADD/AMEND STANDARDS TO MANAGE THE DEVELOPMENT OF DRIVE-THROUGHS IN BOTH THE TRANSECT AND CONVENTIONAL ZONES**

**Motion:** It was moved by Council Member Howard, Seconded by Vice-Chairman Sommerville, to approve the public hearing and second reading of an ordinance for approval of a text amendment to the Community Development Code (CDC): Section 4.1.70 (Drive-Through Facilities) to clarify the standards for drive-throughs in transect zones and to add/amend standards to manage the development of drive-throughs in both the transect and conventional zones.

The Chairman opened the floor for the public hearing.

No one came forward.

The Chairman closed the public hearing.

**The Vote** - The motion was approved without objection.

**22. FIRST READING OF AN ORDINANCE AUTHORIZING THE APPROVAL TO TERMINATE AN EASEMENT AND EXECUTE AN EASEMENT ENCUMBERING A PORTION OF PROPERTY OWNED BY BEAUFORT COUNTY AND KNOWN AS FORDS SHELL RING**

**Motion:** It was moved by Council Member Howard, Seconded by Council Member Cunningham, to approve the first reading of an ordinance authorizing the approval to terminate an easement and execute an easement encumbering a portion of property owned by Beaufort County and known as Fords Shell Ring.

**The Vote** - The motion was approved without objection.

**23. FIRST READING OF AN ORDINANCE REPEALING AN ORDINANCE CREATING THE SOUTHERN BEAUFORT COUNTY CORRIDOR BEAUTIFICATION BOARD**

**Motion:** It was moved by Council Member Howard, Seconded by Council Member Dawson, to approve the first reading of an ordinance repealing an ordinance creating the Southern Beaufort County Corridor Beautification Board.

**The Vote** - The motion was approved without objection.

**24. FIRST READING OF AN ORDINANCE TO APPROVE THE TEXT AMENDMENTS TO CHAPTER 14, ARTICLE II: ANIMAL CONTROL ORDINANCES**

**Motion:** It was moved by Council Member McElynn, Seconded by Council Member Cunningham, to approve the first reading of an ordinance to approve the text amendments to Chapter 14, Article II: Animal Control Ordinances.

**Discussion:** Council Member Flewelling asked if a Magistrate Judge would have to have special training to determine the dog breed.

Please click the link below to see the full discussion regarding this ordinance.

<https://beaufortcountysc.new.swagit.com/videos/156552>

**Motion to Amend:** It was moved by Council Member Flewelling, Seconded by Council Member Rodman, to remove any reference to the County Administrator setting fees and keep it at the County Council level.

**The Vote** – The motion was approved without objection.

**Main Motion:** It was moved by Council Member McElynn, Seconded by Council Member Cunningham, to approve the first reading of an ordinance to approve the text amendments to Chapter 14, Article II: Animal Control Ordinances as amended.

**The Vote** – The motion was approved without objection.

**25. APPROVAL OF A RESOLUTION FOR A STORMWATER UTILITY INTERGOVERNMENTAL AGREEMENT (IGA) AMENDMENT WITH THE CITY OF BEAUFORT**

**26. APPROVAL OF A RESOLUTION FOR A STORMWATER UTILITY INTERGOVERNMENTAL AGREEMENT (IGA) AMENDMENT WITH THE TOWN OF PORT ROYAL**

**Motion:** It was moved by Council Member Howard, Seconded by Council Member Flewelling, to approve Items 25 and 26 together.

**The Vote** – The motion was approved without objection.

**27. APPROVAL OF A RESOLUTION TO ESTABLISH BEAUFORT COUNTY'S COMMUNITY DEVELOPMENT PRIORITY LIST**

**Motion:** It was moved by Council Member McElynn, Seconded by Council Member Flewelling, to approve a resolution to establish Beaufort County's Community Development Priority List.

**The Vote** – The motion was approved without objection.

**28. A RESOLUTION SUPPORTING THE SOUTH CAROLINA AMERICAN REVOLUTION SESTERCENTENNIAL COMMISSION AND RECOGNIZING AND ESTABLISHING THE BEAUFORT COUNTY 250 COMMITTEE**

**Motion:** It was moved by Council Member Cunningham, Seconded by Council Member Lawson, to approve a resolution supporting the South Carolina American Revolution Sestercentennial Commission and recognizing and establishing the Beaufort County 250 committee.

**The Vote** - The motion was approved without objection.

**29. CITIZEN COMMENTS**

There were no citizen comments.

**30. ADJOURNMENT**

The meeting adjourned at 7:50 PM.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: \_\_\_\_\_  
Joseph F. Passiment, Jr., Chairman

ATTEST:

\_\_\_\_\_  
Sarah W. Brock, Clerk to Council  
Ratified: April 25, 2022