



County Council Meeting Beaufort County, SC

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

Monday, October 24, 2022
6:00 PM

MINUTES

Watch the video stream available on the County's website to hear the Council's discussion of a specific topic or the complete meeting. <https://beaufortcountysc.new.swagit.com/videos/187172>

1. CALL TO ORDER

Chairman Passiment called the meeting to order at 6:00 PM.

PRESENT

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

ABSENT

Council Member Lawrence McElynn

2. PLEDGE OF ALLEGIANCE AND INVOCATION

Chairman Passiment led the Pledge of Allegiance and Invocation.

3. FOIA

Chairman Passiment confirmed that public notification of this meeting has been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act.

4. APPROVAL OF AGENDA

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

The Vote - The motion was approved without objection.

5. APPROVAL OF MINUTES

Motion: It was moved by Council Member Sommerville, Seconded by Council Member Cunningham, to approve the minutes of October 3, 2022.

The Vote - The motion was approved without objection.

6. ADMINISTRATOR'S REPORT

Please watch the video stream available on the County's website to view the report.

<https://beaufortcountysc.new.swagit.com/videos/187172?ts=203>

County Administrator Eric Greenway highlighted the Beaufort County Emerging Leaders Program. Emerging Leaders President Katie Herrera provided a presentation about the program's vision, objectives, membership, and events.

7. PRESENTATION OF A PROCLAMATION TO THE YOUNG MARINES IN OBSERVANCE OF RED RIBBON WEEK

Please watch the video stream available on the County's website to view the complete presentation.

<https://beaufortcountysc.new.swagit.com/videos/187172?ts=564>

Vice Chair Sommerville presented a Proclamation to the Young Marines in observance of Red Ribbon Week.

Representatives of the Young Marine program thanked the Council for their support and commented on the program's purpose.

8. CITIZEN COMMENTS

Please watch the video stream available on the County's website to view the citizens' comments.

<https://beaufortcountysc.new.swagit.com/videos/187172?ts=891>

Daniel Lesesne and Chalmers Mikell (South Carolina Farm Bureau)

9. LIASION AND COMMITTEE REPORTS

Please watch the video stream available on the County's website to view the report.

<https://beaufortcountysc.new.swagit.com/videos/187172?ts=1041>

Council Member Howard commented on the stormwater field trip for board members and the Port Royal consultant presentation for Ribaut Road.

Council Member Cunningham commented on the opening of tennis courts in the City of Beaufort.

10. MATTERS ARISING OUT OF EXECUTIVE SESSION

These matters will be taken up under item number 12.

11. APPROVAL OF CONSENT AGENDA

Motion: It was moved by Council Member Dawson, Seconded by Council Member Lawson, to approve the consent agenda.

The Vote - The motion was approved without objection.

12. PUBLIC HEARING AND THIRD READING OF AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY FOR THE SALE OF COUNTY-OWNED REAL PROPERTIES IDENTIFIED AS 1407 KING STREET AND 600 WILMINGTON STREET, CITY OF BEAUFORT

Please watch the video stream available on the County's website to view the complete discussion.

<https://beaufortcountysc.new.swagit.com/videos/187172?ts=1151>

Motion: It was moved by Council Member Glover, Seconded by Council Member Howard, to approve the public hearing and third reading of an ordinance authorizing the County Administrator to execute any and all documents necessary for the sale of county-owned real property identified as 1407 King Street and 600 Wilmington Street, City of Beaufort.

Motion to Amend: It was moved by Council Member Glover, Seconded by Council Member Howard, to amend the motion to correct the housing construction on 600 Wilmington Street as dedicated to workforce and affordable housing and to remove the contingency for constructions and leasing on Wilmington Street property to be completed before vertical construction is commenced on the King Street property, and to include a contingency that until all the units on Wilmington Street property are issued a certificate of occupancy only seven units on the King Street property can be issued a certificate of occupancy.

Discussion: Council Member Glover discussed a previous ordinance's stipulation that no construction could be done on King Street until affordable housing on Wilmington Street was completed and how this ordinance would reverse that to allow for the construction of 7 units on King Street to move forward.

The Vote - The motion to amend was approved without objection.

Chairman Passiment opened the floor for public comment.

No one came forward.

Chairman Passiment closed the public comment.

Discussion: Council Member Flewelling asked for a ruling from the chair to determine if the motion to amend was a substantial change. Chairman Passiment said it was to remove the contingency.

The Vote - The motion, as amended, was approved without objection.

13. PUBLIC HEARING AND THIRD READING OF AN ORDINANCE TO AMEND BEAUFORT COUNTY ORDINANCE 2022/33 FOR THE FISCAL YEAR 2022-23 BEAUFORT COUNTY BUDGET TO PROVIDE FOR ADDITIONAL APPROPRIATIONS TO PAY FOR FISCAL YEAR 2022 CARRYOVERS, USE OF FUND BALANCE FOR PROPERTY ACQUISITION AND TRANSPORTATION PROJECTS AND THE USE OF CURRENT YEAR FUNDS FOR CAPITAL PROJECTS AND EQUIPMENT PURCHASES, DEFEASE/REFUND GENERAL OBLIGATION BONDS, AND OTHER MATTERS RELATED THERETO

Motion: It was moved by Council Member Rodman, Seconded by Council Member Sommerville, to approve the public hearing and third reading of an ordinance to amend Beaufort County Ordinance 2022/33 for the Fiscal Year 2022-23 Beaufort County Budget to provide for additional appropriations to pay for fiscal year 2022 carryovers, use of fund balance for property acquisition and transportation projects and the use of current year funds for capital projects and equipment purchases, defease/refund general obligation bonds, and other matters related thereto.

Chairman Passiment opened the floor for public comment.

No one came forward.

Chairman Passiment closed the public comment.

The Vote - The motion was approved without objection.

14. PUBLIC HEARING AND THIRD READING OF AN ORDINANCE TO ESTABLISH A REGIONAL HOUSING TRUST FUND AND OTHER MATTERS RELATED THERETO

Motion: It was moved by Council Member Cunningham, Seconded by Council Member Dawson, to approve the public hearing and third reading of an ordinance to establish a Regional Housing Trust Fund and other matters related thereto.

Chairman Passiment opened the floor for public comment.

No one came forward.

Chairman Passiment closed the public comment.

The Vote - The motion was approved without objection.

15. **PUBLIC HEARING AND THIRD READING OF AN ORDINANCE TO AMEND BEAUFORT COUNTY ORDINANCE 2022/33 FOR THE FISCAL YEAR 2022-23 BEAUFORT COUNTY BUDGET TO PROVIDE FOR DISTRIBUTIONS FROM MYRTLE PARK PHASE II FUND AND OTHER MATTERS RELATED THERETO. (FISCAL IMPACT: Beaufort County put a substantial amount of capital into this project, \$828,576. Staff feels that the County should be reimbursed for its investment in the property)**

Motion: It was moved by Council Member Glover, Seconded by Council Member Sommerville, to approve the public hearing and third reading of an ordinance to amend Beaufort County Ordinance 2022/33 for the fiscal year 2022-23 Beaufort County Budget to provide for distributions from Myrtle Park Phase II Fund and other matters related thereto.

Chairman Passiment opened the floor for public comment.

No one came forward.

Chairman Passiment closed the public comment.

The Vote - The motion was approved without objection.

16. **PUBLIC HEARING AND THIRD READING OF AN ORDINANCE FOR A TEXT AMENDMENT TO BEAUFORT COUNTY CODE OF ORDINANCES CHAPTER 2, ARTICLE VIII, DIVISION 2, SECTION 2-619 TO REQUIRE A PROPERTY IDENTIFICATION NUMBER ON QUIT CLAIM DEEDS**

Motion: It was moved by Council Member Glover, Seconded by Council Member Howard, to approve the public hearing and third reading of an ordinance for a text amendment to Beaufort County Code of Ordinances Chapter 2, Article VIII, Division 2, Section 2-619, to require a property identification number on quit claim deeds.

Chairman Passiment opened the floor for public comment.

No one came forward.

Chairman Passiment closed the public comment.

The Vote - Council Member Flewelling objected. The motion passed 9:1.

17. **PUBLIC HEARING AND THIRD READING OF AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO ENTER INTO AN EXCHANGE, PURCHASE, AND/OR SALE AGREEMENT WITH THE TOWN OF HILTON HEAD ISLAND FOR THE SALE AND PURCHASE OF REAL PROPERTY CONSISTING OF 68 HELMSMAN WAY, 43 JENKINS ROAD, 70 BAYGALL ROAD, AND 152 WILLIAM HILTON PARKWAY**

Motion: It was moved by Council Member Howard, Seconded by Council Member Rodman, to approve the public hearing and third reading of an ordinance authorizing the County Administrator to enter into an exchange, purchase, and/or sale agreement with the Town of Hilton Head Island for the sale and purchase of real property consisting of 68 Helmsman Way, 43 Jenkins Road, 70 Baygall Road, and 152 William Hilton Parkway.

Chairman Passiment opened the floor for public comment.

No one came forward.

Chairman Passiment closed the public comment.

The Vote - The motion was approved without objection.

18. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE FOR A TEXT AMENDMENT TO THE BEAUFORT COUNTY PROCUREMENT CODE, DIVISION 4, SECTION 2-509, AUTHORITY AND DUTIES OF PURCHASING DIRECTOR AND THE CHIEF FINANCIAL OFFICER

Motion: It was moved by Council Member Sommerville, Seconded by Council Member Cunningham, to approve the public hearing and third reading of an ordinance for a text amendment to the Beaufort County Procurement Code, Division 4, Section 2-509, Authority and Duties of Purchasing Director and the Chief Financial Officer.

Chairman Passiment opened the floor for public comment.

No one came forward.

Chairman Passiment closed the public comment.

The Vote - The motion was approved without objection.

19. PUBLIC HEARING AND APPROVAL OF A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ENTER INTO A PURCHASE AND SALE AGREEMENT WITH THE CITY OF BEAUFORT FOR THE PURCHASE OF REAL PROPERTY WITH AN ADDRESS OF 1505 NORTH STREET (FISCAL IMPACT: \$630,000 from General Fund-Fund Balance)

Please watch the video stream available on the County's website to view the complete discussion.

<https://beaufortcountysc.new.swagit.com/videos/187172?ts=1814>

Motion: It was moved by Council Member Sommerville, Seconded by Council Member Howard, to approve the public hearing and a resolution authorizing the County Administrator to enter into a purchase and land sale agreement with the City of Beaufort for the purchase of real property with an address of 1505 North Street.

Chairman Passiment opened the floor for public comment.

No one came forward.

Chairman Passiment closed the public comment.

Discussion: Council Member Rodman asked why the item is a resolution, not an ordinance. County Administrator Greenway said an ordinance had already approved this item.

Council Member Howard asked about the witness oak on the adjacent property. County Administrator Greenway updated the Council on the development of the pocket park.

Council Member Glover asked about collaboration with arborists on the witness tree.

The Vote - Council Members Hervochon, Cunningham, and Flewelling objected. The motion passed 7:3.

20. FIRST READING OF AN ORDINANCE TO AMEND THE ZONING MAP OF BEAUFORT COUNTY TO CHANGE 175 FORDING ISLAND ROAD (PARCEL ID NUMBER R600 022 000 011A 0000) FROM T2 RURAL TO C5 REGIONAL CENTER MIXED USE

Motion: It was moved by Council Member Howard, Seconded by Council Member Rodman, to approve the first reading of an ordinance to amend the zoning map of Beaufort County to change 175 Fording Island Road (Parcel ID Number R600 022 000 011A 0000) from T2 Rural to C5 Regional Center Mixed Use.

Discussion: County Administrator Greenway clarified that the second parcel would be brought forward in December.

The Vote - The motion was approved without objection.

21. FIRST READING OF AN ORDINANCE FOR A TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): SECTION 5.11.60 (RIVER BUFFER) TO CLARIFY PENALTIES FOR REMOVING TREES FROM THE RIVER BUFFER WITHOUT APPROPRIATE PERMITS.

Motion: It was moved by Council Member Howard, Seconded by Council Member Sommerville, to approve the first reading of an ordinance for a text amendment to the Community Development Code (CDC): Section 5.11.60 (River Buffer) to clarify penalties for removing trees from the river buffer without appropriate permits.

The Vote – The motion was approved without objection.

22. FIRST READING OF AN ORDINANCE AMENDING THE BEAUFORT COUNTY CODE OF ORDINANCES, CHAPTER 74 – BUILDING AND BUILDING REGULATIONS, SECTION 74-64, ADOPTION OF BUILDING CODES (AMENDS CODE OF ORDINANCES TO ADOPT THE 2021 STATE MANDATED CODE EDITIONS)

Motion: It was moved by Council Member Howard, Seconded by Council Member Rodman, to approve the first reading of an ordinance amending the Beaufort County Code of Ordinances, Chapter 74 – Building and Building Regulations, Section 74-64, Adoption of Building Codes (amends Code of Ordinances to adopt the 2021 State Mandated Code Editions).

The Vote – The motion was approved without objection

23. FIRST READING BY TITLE ONLY OF AN ORDINANCE FOR A TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): SECTION 5.3.20 (ARCHITECTURAL STANDARDS AND GUIDELINES APPLICABILITY) AND APPENDIX, DIVISION A.1.20 (COMMUNITY PRESERVATION DISTRICTS - RELATIONSHIP TO THE COMMUNITY DEVELOPMENT CODE) TO RESTRICT THAT A SHIPPING CONTAINER OR OTHER SIMILAR PORTABLE STORAGE CONTAINER IS NOT CONSIDERED A DWELLING.

Please watch the video stream available on the County's website to view the complete discussion.

<https://beaufortcountysc.new.swagit.com/videos/187172?ts=2148>

Motion: It was moved by Council Member Glover, Seconded by Council Member Howard, to approve the first reading by title only of an ordinance for a text amendment to the Community Development Code (CDC): Section 5.3.20 (Architectural Standards and Guidelines Applicability) and Appendix, Division A.1.20 (Community Preservation Districts – Relationship to the Community Development Code) to restrict that a shipping container or other similar portable storage container is not considered a dwelling.

Discussion: Council Member Howard asked for an explanation as to why this item is by title only. County Administrator Greenway discussed the establishment of cargo containers in areas where the containers are not allowed and the planned conversion of those containers into dwellings. Greenway recommended that Council not let that practice start in the County because it will be difficult and costly to convert the containers.

Council Member Hervochon asked about the problem's pervasiveness and for more context on the expense. Greenway discussed the need for structural drawings and conceptual design, the potential for multiple containers to be used, and building code and neighborhood dispute issues. Greenway also clarified that the problem is not very pervasive yet.

Chuck Atkinson commented on the various costs and issues of turning a container into a dwelling, such as the difficulty of managing moisture and compliance with building codes.

Council Member Hervochon asked about inspections. ACA Atkinson discussed County's involvement because of the minimum standards of protection required by the Community Development Code to ensure the viability and insurability of dwellings.

Council Member Glover asked about the impact on the agricultural use of metal buildings. ACA Atkinson discussed the permit process and electrification of those structures.

Council Member Cunningham asked about the conversion of similar portage storage containers. Atkinson clarified that those containers are not converted since the materials are used for reconstruction.

Council Member Cunningham opposed the motion.

The Vote - The motion passed 9:1.

24. APPROVAL OF A RESOLUTION APPROVING THE BEAUFORT COUNTY NOTICE OF FUNDING OPPORTUNITY (NO.1) PLAN CREATED FOR THE PURPOSE OF CRAFTING THE BEAUFORT COUNTY PLAN TO SUBMIT TO THE SOUTH CAROLINA OPIATE RELIEF FUND BOARD

Motion: It was moved by Council Member Rodman, Seconded by Council Member Glover, to approve a resolution approving the Beaufort County Notice of Funding Opportunity (No. 1) Plan created for the purpose of crafting the Beaufort County Plan to submit to the South Carolina Opiate Relief Fund Board.

The Vote – The motion was approved without objection.

25. APPROVAL OF A RESOLUTION TO ADOPT RECOMMENDATIONS TO AWARD FY23 COMMUNITY SERVICES GRANT PROGRAM FUNDS IN THE AMOUNT OF \$398,000 TO COMMUNITY SERVICES ORGANIZATIONS

Motion: It was moved by Council Member Dawson, Seconded by Council Member Glover, to approve a resolution to adopt recommendations to award FY23 Community Services Grant Program Funds in the amount of \$398,000 to community services organizations.

The Vote - The motion was approved without objection.

26. RECOMMEND APPROVAL OF A RESOLUTION TO AMEND THE AGREEMENT CREATING A REGIONAL COUNCIL OF GOVERNMENTS, ARTICLE II, SECTION 2 (MEMBERSHIP AND REPRESENTATION)

Motion: It was moved by Council Member Sommerville, Seconded by Council Member Howard, to approve a resolution to amend the agreement creating a Regional Council of Governments, Article II, Section 2 (Membership and Representation).

The Vote - The motion was approved without objection.

27. APPROVAL OF A RESOLUTION TO APPROVE ARPA-FUNDED SIGN-ON BONUS POLICY (FISCAL IMPACT: \$500,000 FROM ARPA FUNDS.)

Motion: It was moved by Council Member Cunningham, Seconded by Council Member Lawson, to approve a resolution to approve ARPA-funded Sign-On Bonus Policy.

The Vote - The motion was approved without objection.

28. APPROVAL OF A RESOLUTION TO CONSIDER ADJUSTING THE SCOPE OF THE US 278 CORRIDOR PROJECT

Motion: It was moved by Council Member Cunningham, Seconded by Council Member Sommerville, to approve a resolution to consider adjusting the scope of the US 278 Corridor Project.

The Vote - The motion failed unanimously.

29. APPROVAL OF A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO MOVE FORWARD WITH OPTION ONE OF THE FACILITIES MASTER PLAN TO INCLUDE AN OFFSITE LAW ENFORCEMENT CENTER.

Motion: It was moved by Council Member Rodman, Seconded by Council Member Glover, to approve a resolution authorizing the County Administrator to move forward with option one of the Facilities Master Plan to include an offsite law enforcement center.

The Vote - The motion was approved without objection.

30. APPROVAL OF A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS AND PROVIDE FUNDING FOR THE PURCHASE OF DEVELOPMENT RIGHTS ON TAX MAP SERIAL NUMBER R300 017 000 180A 0000, R300 017 000 180F 0000 AND ALSO KNOWN AS VILLAGE CREEKSIDE

Motion: It was moved by Vice Chair Sommerville, Seconded by Council Member Howard, to approve a resolution authorizing the County Administrator to execute the necessary documents and provide funding for the purchase of development rights on tax map serial number R300 017 000 180A 0000, R300 017 000 180F 0000 and also known as Village Creekside.

Discussion: Council Member Howard commented on the opportunity to preserve property.

Council Member Flewelling pointed out that the source of funds is the Rural and Critical Lands Program.

The Vote – The motion was approved without objection.

31. CITIZEN COMMENTS

No citizen comments.

32. ADJOURNMENT

Adjourned: 6:56 PM

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Joseph F. Passiment, Jr., Chairman

ATTEST:

Sarah W. Brock, Clerk to Council

Ratified: