



County Council Meeting Beaufort County, SC

Council Chambers, Administration Building Beaufort County Government Robert Smalls
Complex 100 Ribaut Road, Beaufort

Monday, December 11, 2023
5:00 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/288901>

1. CALL TO ORDER

Chairman Passiment called the meeting to order at 5:00 p.m.

PRESENT

Chairman Joseph F. Passiment
Vice-Chairman Lawrence McElynn
Council Member David P. Bartholomew
Council Member Paula Brown
Council Member Logan Cunningham
Council Member Gerald Dawson
Council Member York Glover (arrived late)
Council Member Alice Howard
Council Member Mark Lawson
Council Member Thomas Reitz
Council Member Anna Maria Tabernik

2. PLEDGE OF ALLEGIANCE AND INVOCATION

Chairman Passiment led the Pledge of Allegiance. Council Member Howard invited Pastor Bryson Williams of Carteret Street United Methodist Church to deliver the Invocation.

3. FOIA

Chairman Passiment noted that public notification of this meeting had 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 Cunningham, seconded by Council Member Tabernik, to remove item 5 from the consent agenda and become item 15(A).

The Vote – The motion was approved without objection.

Motion: It was moved by Council Member Cunningham, seconded by Vice-Chairman McElynn, 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 Howard, seconded by Council Member Brown, to approve the minutes of October 9, 2023, October 23, 2023, and November 13, 2023.

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 full report.

<https://beaufortcountysc.new.swagit.com/videos/288901?ts=226>

Interim County Administrator Robinson discussed progress made on the budget calendar and budget production and the tree lighting event held by Beaufort County Government's Emerging Leaders group. Mr. Robinson commented that he issued an emergency procurement on December 2, 2023, to perform maintenance work at the C.C. Haigh, Jr. Boat Landing to ensure a safe ferry embarkment point to Daufuskie Island.

Interim County Administrator Robinson highlighted three employees: Dorothy McMahon, Division Chief for Guardianships and Conservatorships with the Probate Court; Carmen Bultron-Griffith, Library Assistant with the St. Helena Branch Public Library; Barbara Mathis, an Operations Manager for the Alcohol and Drug Abuse Department. Mr. Robinson also introduced the new Director of Broadcast Services, Vincent Virga.

7. PRESENTATION OF A PROCLAMATION RECOGNIZING OYSTER RECYCLING DAY

<https://beaufortcountysc.new.swagit.com/videos/288901?ts=996>

Council Member Howard presented a proclamation recognizing Oyster Recycling Day to Grant McClure, representing the Coastal Conservation League.

8. PRESENTATION OF A PROCLAMATION RECOGNIZING PAT HARVEY-PALMER

<https://beaufortcountysc.new.swagit.com/videos/288901?ts=1196>

Council Member Howard presented a proclamation recognizing Pat Harvey-Palmer.

9. PRESENTATION OF A PROCLAMATION RECOGNIZING BOARDS AND COMMISSIONS LIAISON CHRIS DIJULIO-COOK

<https://beaufortcountysc.new.swagit.com/videos/288901?ts=1484>

Chairman Passiment presented a proclamation recognizing Beaufort County's Boards and Commissions Liaison, Chris Dijulio Cook.

10. PRESENTATION OF A PROCLAMATION RECOGNIZING THE EMERGING LEADERS PROGRAM

<https://beaufortcountysc.new.swagit.com/videos/288901?ts=1663>

Vice-Chairman McElynn presented a proclamation recognizing the Emerging Leaders Program.

11. PRESENTATION OF A PROCLAMATION RECOGNIZING TAMEKIA GREEN-JUDGE

<https://beaufortcountysc.new.swagit.com/videos/288901?ts=1824>

Chairman Passiment presented a proclamation recognizing Tamekia Green-Judge, Director of the Records Management Department.

12. PRESENTATION OF A PROCLAMATION RECOGNIZING THE BEAUFORT COUNTY CORONER'S OFFICE FOR RECEIVING THEIR CERTIFICATE OF ACCREDITATION

<https://beaufortcountysc.new.swagit.com/videos/288901?ts=2003>

Vice-Chairman McElynn presented a proclamation recognizing the Beaufort County Coroner's Office for receiving their Certificate of Accreditation.

13. CITIZEN COMMENT PERIOD

<https://beaufortcountysc.new.swagit.com/videos/288901?ts=2565>

1. Skip Hoagland

Motion: It was moved by Council Member Cunningham, seconded by Council Member, to recess.

The Vote – The motion was approved without objection.

14. LIASION AND COMMITTEE REPORTS

<https://beaufortcountysc.new.swagit.com/videos/288901?ts=3057>

Council Member Tabernik commented on the November 15 meeting of the Beaufort County Transportation Committee, including the update on SCDOT projects, dirt road resurfacing and rejuvenator project, and SC Highway 170 and US Highway 278 improvements. Council Member Tabernik also commented on how the Beaufort County School Board hired a consultant to redo their logo and motto. Council Member Tabernik added that she attended the December 5 Community Transportation Planning Meeting in Bluffton on planning for SC 46 and the New Riverside area.

15. APPROVAL OF CONSENT AGENDA

Motion: It was moved by Council Member Cunningham, seconded by Vice-Chairman McElynn, to approve the consent agenda.

The Vote – The motion was approved without objection.

15a. APPROVAL TO AUTHORIZE THE INTERIM ADMINISTRATOR TO NEGOTIATE AND ENTER INTO A CONTRACT WITH LOWCOUNTRY FERRY, LLC FOR THE PROVISION OF FERRY SERVICES TO AND FROM DAUFUSKIE ISLAND (FISCAL IMPACT: \$250,000 in this budget ear from General Fund Fund Balance. \$365,000 annually beginning in the new budget year)

<https://beaufortcountysc.new.swagit.com/videos/288901?ts=3157>

Main Motion: It was moved by Council Member Lawson, seconded by Council Member Brown, to authorize the Interim County Administrator to negotiate and enter into a contract with Lowcountry Ferry, LLC for the provision of ferry services to and from Daufuskie Island.

Motion: It was moved by Council Member Howard, seconded by Council Member Lawson, to enter into an executive session pursuant to South Carolina Code Section 30-4-70 (A)(2) to discuss negotiations incident to proposed contractual recommendations.

The Vote – The motion to enter into an executive session was approved without objection.

Chairman Passiment opened the floor for public comment on this item.

1. Brian Cobb

Discussion: Council Member Lawson commented that Council is not obligated to provide a ferry service, and that one is provided in the best interest of the residents on Daufuskie Island.

Council Member Glover commented that the quality of services is not being compromised.

The Vote – The main motion was approved without objection.

16. TIME-SENSITIVE ITEM ORIGINATING FROM THE 12.11.23 PUBLIC FACILITIES AND SAFETY MEETING - APPROVAL OF A RESOLUTION TO ADOPT THE RECOMMENDATIONS OF THE SALES TAX ADVISORY COMMITTEE (STAC) REGARDING CONSIDERATION OF A 2024 SALES TAX REFERENDUM

Motion: It was moved by Council Member Howard, seconded by Council Member Cunningham, to approve a resolution to adopt the recommendations of the Sales Tax Advisory Committee (STAC) regarding consideration of a 2024 Sales Tax Referendum.

The Vote – The motion was approved without objection.

17. FIRST READING OF AN ORDINANCE APPROPRIATING FUNDS FROM THE STATE 2% ACCOMMODATIONS TAX FUND AND OTHER MATTERS RELATED THERETO (FISCAL IMPACT: *The award will be from the State ATAX Fund 2000, Budget Line Item 2000-10-0000-55000, direct subsidies, in the current fiscal year*)

<https://beaufortcountysc.new.swagit.com/videos/288901?ts=3806>

Motion: It was moved by Council Member Cunningham, seconded by Vice-Chairman McElynn, to approve the first reading of an ordinance appropriating funds from the State 2% Accommodations Tax Fund and other matters related thereto.

Discussion: Council Member Tabernik commented that the Accommodations Tax Board has five members, but only two or three were making the recommendation. Council Member Tabernik also asked whether Council had a preference on setting aside 15% of the State A-Tax allocation for affordable housing.

County Attorney Keaveny noted that the County would have to conduct a study and amend the comprehensive plan to use State A-Tax funds for affordable housing.

Council Member Tabernik also raised concerns about providing funds to organizations that are already receiving money from other entities.

Motion to Amend: It was moved by Council Member Tabernik, seconded by Council Member Bartholomew, to amend the appropriation of funds to include a set aside of 15% from the State 2% Accommodations Tax Fund to use for affordable housing and to send the list back to the State A-Tax Committee to carve out \$150,000.

Discussion: Council Member Lawson proposed passing the appropriation recommendation for the Accommodations Tax Board as is and then making a motion to set aside 15% of the State A-Tax funds for the following year.

Council Member Cunningham voiced his support for adding language about future dedications of 15% of the State A-Tax funds for affordable housing.

Chairman Passiment called on each member of Council to share their perspective on the amendment.

County Attorney Keaveny confirmed that an ordinance would be needed to dedicate money from the State A-Tax for affordable housing.

Chairman Passiment commented that it seems to be the will of the Council to set aside money for affordable housing but voiced concerns about delaying the funding appropriation for an extended period.

The Vote – Voting Yea: Council Member Bartholomew, Council Member Brown, Council Member Dawson, Council Member Howard, Council Member Reitz, and Council Member Tabernik. Voting Nay: Chairman Passiment, Vice-Chairman McElynn, Council Member Cunningham, Council Member Glover, and Council Member Lawson. The motion to amend passed by 6:5.

The Vote – Voting Yea: Chairman Passiment, Council Member Bartholomew, Council Member Brown, Council Member Dawson, Council Member Howard, and Council Member Tabernik. Voting Nay: Vice-

Chairman McElynn, Council Member Cunningham, Council Member Glover, Council Member Lawson, and Council Member Reitz. The motion, as amended, passed by 6:5.

18. **FIRST READING OF AN ORDINANCE DECLARING CERTAIN REAL PROPERTY LOCATED AT 2 MULLET STREET AS SURPLUS PROPERTY, AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE ANY DOCUMENTS NECESSARY FOR THE SALE OF THE REAL PROPERTY, AND ALLOCATING PROCEEDS FROM THE SALE OF REAL PROPERTY (FISCAL IMPACT: Proceeds from sale of real property to be used for expansion and improvement projects to the Alljoy Boat landing and surround area, any remaining funds to be allocated to the Capital Improvement Fund for other capital improvement projects in Beaufort County)**

<https://beaufortcountysc.new.swagit.com/videos/288901?ts=4650>

Motion: It was moved by Council Member Lawson, seconded by Council Member Brown, to approve the first reading of an ordinance declaring certain real property located at 2 Mullet Street as surplus property, authorizing the Interim County Administrator to execute any documents necessary for the sale of the real property, and allocating proceeds from the sale of real property.

Discussion: Council Member Lawson provided background on the County's purchase of the property, the decision to sell the house located on the property, and the plan to use the sale proceeds to enhance the boat landing and parking area. Council Member Lawson added that the neighborhood wants the house to remain residential.

The Vote – The motion was approved without objection.

19. **FIRST READING OF AN ORDINANCE AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO ENTER INTO A LEASE AGREEMENT FOR REAL PROPERTY LOCATED AT 39 AIRPORT CIRCLE WITH CINDY HOLLMAN (FISCAL IMPACT: Beaufort Executive Airport will receive monthly income generated through lease revenue – Tenant shall pay \$69.30 (42 sq ft x \$19.80/12) in monthly base lease payments for premises located at the Beaufort Executive Airport terminal. Annual Expected Revenue increase: \$831.60. These lease rates are in accordance with current Beaufort County lease policies)**

Motion: It was moved by Council Member Cunningham, seconded by Council Member Bartholomew, to approve the first reading of an ordinance authorizing the Interim County Administrator to enter into a lease agreement for real property located at 39 Airport Circle with Cindy Hollman.

The Vote – The motion was approved without objection.

20. **FIRST READING OF AN ORDINANCE AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO ENTER INTO A LEASE AGREEMENT FOR REAL PROPERTY LOCATED AT 39 AIRPORT CIRCLE WITH MATT ARCHER (FISCAL IMPACT: Beaufort Executive Airport will receive monthly income generated through lease revenue – Tenant shall pay \$69.30 (42 sq ft x \$19.80/12) in monthly base lease payments for premises located at the Beaufort Executive Airport terminal. Annual Expected Revenue increase: \$831.60. These lease rates are in accordance with current Beaufort County lease policies)**

Motion: It was moved by Council Member Cunningham, seconded by Council Member Tabernik, to approve the first reading of an ordinance authorizing the Interim County Administrator to enter into a lease agreement for real property located at 39 Airport Circle with Matt Archer.

The Vote – The motion was approved without objection.

21. **FIRST READING OF AN ORDINANCE CONVEYING AN EASEMENT LOCATED ON A PORTION OF REAL PROPERTY AT 55 GARDNER DRIVE TO THE TOWN OF HILTON HEAD ISLAND**

Motion: It was moved by Vice-Chairman McElynn, seconded by Council Member Brown, to approve the first reading of an ordinance conveying an easement located on a portion of real property at 55 Gardner Drive to the Town of Hilton Head Island.

The Vote – The motion was approved without objection.

22. APPROVAL OF A RESOLUTION TO ADOPT THE PASSIVE PARKS DEPARTMENT PRIVATE BUSINESS USE POLICY, APPLICATION, AND FEE SCHEDULE

<https://beaufortcountysc.new.swagit.com/videos/288901?ts=4882>

Motion: It was moved by Council Member Dawson, seconded by Council Member Howard, to approve a resolution to adopt the Passive Parks Department Private Business Use Policy, Application, and Fee Schedule.

Chairman Passiment opened the floor for public comment.

1. Jill Moore
2. Jenn Clementoni
3. Christine Richard
4. Tamala Conner

Discussion: Chairman Passiment called on each member of Council to share their perspective on the proposed business use policy, application, and fee schedule.

Council Member Lawson asked staff to modify the policy to be more inclusive.

Council Member Glover commented that the pricing of the fee schedule may have to be reconsidered.

Council Member Cunningham commented that an application process already exists for large events and that he is not supportive of more limitations on passive park usage.

Council Member Bartholomew commented that the policy may be difficult to enforce and create issues for small businesses.

ACA Atkinson confirmed for Council that non-profit organizations are exempt from the \$100 fee and that an organization would need to provide documentation to prove its non-profit status.

Motion: It was moved by Council Member Cunningham, seconded by Council Member Brown, to send this item back to the Community Services and Land Use Committee to revisit the structure of the Passive Parks Department Private Business Use Policy, Application, and Fee Schedule.

The Vote – The motion was approved without objection.

23. APPROVAL OF A RESOLUTION REALLOCATING SIX-HUNDRED THOUSAND DOLLARS OF AMERICAN RESCUE PLAN ACT REVENUE FROM INFRASTRUCTURE PROJECTS TO WORKFORCE HOUSING PROJECTS (FISCAL IMPACT: Reallocation of \$600,000 of ARPA funds from infrastructure to workforce housing. Account No: 2330-10-0000-55000, with an account balance of \$8,191,000)

<https://beaufortcountysc.new.swagit.com/videos/288901?ts=6034>

Motion: It was moved by Vice-Chairman McElynn, seconded by Council Member Howard, to approve a resolution reallocating six hundred thousand dollars of American Rescue Plan Act revenue from infrastructure projects to workforce housing projects.

Chairman Passiment opened the floor for public comment.

1. David Wetmore
2. Dick Stewart

Discussion: Vice-Chairman McElynn commented that the Beaufort Jasper Housing Trust agreed to help manage and oversee workforce housing projects.

Motion to Amend: It was moved by Council Member Howard, seconded by Council Member Glover, to amend the resolution to remove “Coastal Community Development Corporation (CCDC)” to say “workforce housing projects in unincorporated Beaufort County”.

Discussion: Vice-Chairman McElynn commented that the CCDC would receive the ARPA funds to develop workforce housing, and he does not understand the benefit of removing the reference to the CCDC.

Council Member Howard commented that the money would be set aside, and other organizations could apply for the funds.

Chairman Passiment called on each member of Council to share their views on the amendment proposal.

Council Member Tabernik pointed out that the resolution does not reference the Beaufort Jasper Housing Trust.

Council Member Cunningham and Interim County Administrator Robinson discussed the available ARPA funds.

Vice-Chairman McElynn commented that the Beaufort Jasper Housing Trust would develop a memorandum of agreement with the CCDC to outline expectations and specifications for using the funds.

Council Member Howard suggested rescinding her motion to amend in favor of adding a reference to the Beaufort Jasper Housing Trust in the resolution.

Chairman Passiment commented that the resolution does not reference the required governing authority, the Beaufort Jasper Housing Trust, so the resolution should be altered.

Council Members Howard and Glover rescinded their amendment motion.

Motion to Amend: It was moved by Council Member Cunningham, seconded by Council Member Howard, to add a whereas to allow the Beaufort Jasper Housing Trust to be the administrator of this program with the Coastal Community Development Corporation (CCDC).

Discussion: Council Member Bartholomew asked why this item is a resolution, not an ordinance. County Attorney Keaveny replied that Council already appropriated the \$37 million by ordinance so the funds are reallocated through a resolution.

Council Member Cunningham asked for clarification about what happens to the \$600,000 if the Beaufort Jasper Housing Trust and CCDC cannot agree on the terms of a memorandum of agreement. Interim County Attorney Robinson replied that the funds would not be provided until a memorandum of agreement is established.

The Vote – Voting Yea: Chairman Passiment, Vice-Chairman McElynn, Council Member Bartholomew, Council Member Brown, Council Member Cunningham, Council Member Dawson, Council Member Glover, Council Member Howard, Council Member Lawson, Council Member Reitz, and Council Member Tabernik. The motion to amend passed 11:0.

The Vote - Voting Yea: Chairman Passiment, Vice-Chairman McElynn, Council Member Brown, Council Member Cunningham, Council Member Dawson, Council Member Glover, Council Member Howard, Council Member Lawson, Council Member Reitz, and Council Member Tabernik. Voting Nay: Council Member Bartholomew. The motion, as amended, passed 10:1.

Motion: It was moved by Council Member Cunningham, seconded by Council Member Bartholomew, to extend the meeting past eight o’clock.

The Vote – The motion was approved without objection.

24. APPROVAL OF A RESOLUTION ADOPTING THE BEAUFORT COUNTY EMPLOYEE HANDBOOK

Motion: It was moved by Council Member Cunningham, seconded by Council Member Brown, to approve a resolution adopting the Beaufort County Employee Handbook.

The Vote – The motion was approved without objection.

25. APPROVAL OF A RESOLUTION FOR COMMISSIONED PUBLIC WORKS CODE ENFORCEMENT OFFICERS

Motion: It was moved by Council Member Tabernik, seconded by Vice-Chairman McElynn, to approve a resolution for commissioned public works code enforcement officers.

The Vote – The motion was approved without objection.

26. APPROVAL OF A RESOLUTION FOR AN INTERGOVERNMENTAL AGREEMENT WITH BEAUFORT-JASPER WATER SEWER AUTHORITY AND THE TOWN OF BLUFFTON TO JOINTLY FUND THE INSTALLATION OF SEWER FACILITIES IN THE STONEY CREEK AREA FOR THE PURPOSE OF PREVENTING FURTHER CONTAMINATION OF THE MAY RIVER HEADWATERS (FISCAL IMPACT: \$1,250,000.00)

Motion: It was moved by Council Member Lawson, seconded by Council Member Howard, to approve a resolution for an Intergovernmental Agreement with Beaufort-Jasper Water Sewer Authority and the Town of Bluffton to jointly fund the installation of sewer facilities in the Stoney Creek Area for the purpose of preventing further contamination of the May River Headwaters.

Discussion: Council Member Tabernik noted that the project would be completed in May 2026 and appreciated the timeline details in the agenda packet.

The Vote – The motion was approved without objection.

27. APPROVAL OF A RESOLUTION REPEALING AND REPLACING COUNCIL'S RULES AND PROCEDURES

Motion: It was moved by Council Member Cunningham, seconded by Council Member Bartholomew, to approve a resolution repealing and replacing the Council's rules and procedures.

The Vote – The motion was approved without objection.

28. APPROVAL OF THE 2024 COMMITTEE AND COUNTY COUNCIL MEETING SCHEDULE

Motion: It was moved by Vice-Chairman McElynn, seconded by Council Member Brown, to approve the 2024 Committee and County Council meeting schedule.

The Vote – The motion was approved without objection.

29. APPROVAL OF AN RFQ TO SOLICIT RESUMES AND QUALIFICATIONS FROM EXECUTIVE SEARCH FIRMS TO ASSIST IN THE RECRUITMENT AND SELECTION OF A COUNTY ADMINISTRATOR (FISCAL IMPACT: the projected fiscal impact will be determined during the firm selection process)

Motion: It was moved by Vice-Chairman McElynn, seconded by Council Member Cunningham, to approve an RFQ to solicit resumes and qualifications from executive search firms to assist in the recruitment and selection of a County Administrator.

The Vote – The motion was approved without objection.

30. CITIZEN COMMENT PERIOD

<https://beaufortcountysc.new.swagit.com/videos/288901?ts=8440>

1. Skip Hoagland
2. Tade Oyeilumi
3. Robert New

31. EXECUTIVE SESSION

PURSUANT TO S. C. CODE SECTION 30-4-70(A)(2) TO RECEIVE LEGAL ADVICE WHERE THE ADVICE RELATES TO PENDING LITIGATION (BEAUFORT COUNTY V BROAD CREEK DEVELOPMENT, LLC)

PURSUANT TO S.C. CODE SECTION 30-4-70(A)(2) DISCUSSION OF MATTERS COVERED BY THE ATTORNEY-CLIENT PRIVILEGE (INQUIRES AND INVESTIGATIONS PURSUANT TO S.C. CODE SECTION 4-9-660)

Motion: It was moved by Council Member Tabernik, seconded by Council Member Cunningham, to enter into an executive session.

The Vote – The motion was approved without objection.

32. MATTERS ARISING OUT OF EXECUTIVE SESSION

No matters arose out of the executive session.

33. ADJOURNMENT

Adjourned: at or around 8:40 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY



BY: _____

Joseph F. Passiment, Jr., Chairman

ATTEST:



Sarah W. Brock, Clerk to Council

Ratified: January 8, 2024