



County Council Meeting Beaufort County, SC

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

Monday, December 09, 2024
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/322076>

1. CALL TO ORDER

Chairman Passiment called the meeting to order.

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
Council Member Alice Howard
Council Member Mark Lawson
Council Member Anna Maria Tabernik
Council Member Thomas Reitz

2. PLEDGE OF ALLEGIANCE AND INVOCATION

Chairman Passiment led the Pledge of Allegiance and Council Member Alice Howard gave the invocation.

3. PUBLIC NOTIFICATION OF THIS MEETING HAS BEEN PUBLISHED, POSTED, AND DISTRIBUTED IN COMPLIANCE WITH THE SOUTH CAROLINA FREEDOM OF INFORMATION ACT

Chairman Passiment stated that public notice of the agenda had been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act.

4. APPROVAL OF AGENDA

Motion to Amend: It was moved by Council Member Tabernik, Seconded by Council Member Bartholomew to amend the agenda to remove item number 6 as it is a duplicate.

The Vote – Motion was approved without objection.

Main Motion: It was moved by Council Member Dawson, Seconded by Council Member Bartholomew to approve the agenda as amended.

The Vote - Motion 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 28, 2024 and November 12, 2024.

The Vote - Motion was approved without objection.

6. ADMINISTRATOR'S REPORT

Please watch the video stream on the county's website to view the full report.

<https://beaufortcountysc.new.swagit.com/videos/322076>

7. CITIZEN COMMENT PERIOD

Citizen comments were taken.

8. LIASION AND COMMITTEE REPORTS

Please watch the video stream on the county's website to view the full report.

<https://beaufortcountysc.new.swagit.com/videos/322076>

9. APPROVAL OF CONSENT AGENDA

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

The Vote - Motion approved without objection.

10. DISCUSSION OF THE RESULTS OF THE THIRD-PARTY REVIEW OF THE MITCHELVILLE APPRAISALS AUTHORIZED BY THE COMMUNITY SERVICES AND LAND USE COMMITTEE ON SEPTEMBER 9, 2024, RELATED TO THE PURCHASE OF THE MITCHELVILLE PROPERTY BY THE TOWN OF HILTON HEAD ISLAND

Motion: It was moved by Council Member Howard, Seconded by Council Member Reitz to approve the discussion of the results of the third-party review of the Mitchellville appraisals authorized by the community services and land use committee on September 9, 2024, related to the purchase of the Mitchellville property by the Town of Hilton Head Island.

The Vote - Motion was approved without objection.

11. PUBLIC HEARING AND THIRD READING OF AN ORDINANCE APPROPRIATING FUNDS FROM THE STATE A-TAX FUNDS AS RECOMMENDED BY THE STATE A-TAX COMMITTEE IN COMPLIANCE WITH THE REQUIREMENTS OF SOUTH CAROLINA CODE OF LAWS

Motion: It was moved by Council Member Tabernik, Seconded by Council Member Lawson to approve public hearing and third reading of an ordinance appropriating funds from the state a-tax funds as recommended by the state a-tax committee in compliance with the requirements of South Carolina Code of Laws.

Chairman opened the floor for public hearing.

No one came forward.

Chairman closed public hearing.

The Vote - Motion was approved without objection.

12. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE AMENDING BUDGET ORDINANCE 2024/25, TO REFLECT THE APPROVAL OF USE OF GENERAL FUND -FUND BALANCE FOR \$3,300,000 FOR FLEET SERVICES VEHICLE AND EQUIPMENT PURCHASES

Motion: It was moved by Council Member Dawson, Seconded by Council Member Lawson to approve public hearing and second reading of an ordinance amending budget ordinance 2024/25, to reflect the approval of use of general fund -fund balance for \$3,300,000 for fleet services vehicle and equipment purchases.

The chairman opened the floor for a public hearing.

No one came forward.

The chairman closed the public hearing.

The Vote - Motion was approved without objection.

13. FIRST READING OF AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE (CDC): SECTION A.6.40 (PERMITTED ACTIVITIES) TO ALLOW LODGING: SHORT-TERM HOUSING RENTAL (STHR) IN DALE COMMUNITY PRESERVATION DISTRICT (DCP) AND SECTION A.7.40 (PERMITTED ACTIVITIES) TO ALLOW LODGING: SHORT-TERM HOUSING RENTAL (STHR) IN DALE MIXED USE DISTRICT (DMU)

Motion: It was moved by Council Member Howard, Seconded by Council Member Cunningham to approve first reading of an ordinance amending the Community Development Code (CDC): section a.6.40 (permitted activities) to allow lodging: short-term housing rental (STHR) in Dale Community Preservation District (DCP) and section a.7.40 (permitted activities) to allow lodging: short-term housing rental (sthr) in Dale Mixed Use District (DMU).

Motion to Amend: It was moved by Council Member Howard, Council Member Glover that we grant the request for the tax amendment for the following reasons it is consistent with the goals, objectives and policies of the comprehensive plan; it is not in conflict with any provision of this development or the code of ordinances; it is required by change conditions; it does address a demonstrated community need; it is consistent with the purpose and intent of zones in the development code or would improve the compatibility among users and ensure efficient development within the county; it would result in a logical and orderly development pattern and it would not result in adverse impacts on the natural environment including but not limited to water air noise management, wildlife, vegetation, wetlands and the natural functioning of the environment

Main Motion: It was moved by Council Member Howard, Seconded by Council Member Cunningham to approve the motion as amended.

The Vote - Voting Yea: Chairman Passiment, Vice-Chairman McElynn, Council Member Brown, Council Member Lawson, Council Member Reitz, Council Member Bartholomew, Council Member Glover, Council Member Howard, Council Member Cunningham, and Council Member Tabernik. **Abstaining:** Council Member Dawson. Motion passed 10:0:1

14. FIRST READING OF AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS FOR THE ACCEPTANCE OF RIGHT-OF-WAY OR TEMPORARY CONSTRUCTION EASEMENTS ON REAL PROPERTY ASSOCIATED WITH THE STUART POINT ROAD SIDEWALK

Motion: It was moved by Council Member Dawson, Seconded by Council Member Glover to approve first reading of an ordinance authorizing the county administrator to execute any and all necessary documents for the acceptance of right-of-way or temporary construction easements on real property associated with the Stuart Point Road Sidewalk Project.

The Vote - Motion was approved without objection.

15. FIRST READING OF AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO ENTER INTO A LEASE AGREEMENT WITH MITCHELLEVILLE PRESERVATION PROJECT, INC. FOR SUITE 134 AND SUITE 142 OF THE COUNTY-OWNED OFFICE BUILDING LOCATED AT 539 WILLIAM HILTON PARKWAY ON HILTON HEAD ISLAND

Motion: It was moved by Council Member Reitz, Seconded by Council Member Brown to approve first reading of an ordinance authorizing the county administrator to enter into a lease agreement with Mitchellville preservation project, inc. For suite 134 and suite 142 of the county-owned office building located at 539 William Hilton Parkway on Hilton Head Island.

The Vote – Motion was approved without objection.

16. FIRST READING OF AN ORDINANCE TO INVEST \$4,300,000 FROM THE GENERAL FUND - FUND BALANCE IN AN INFRASTRUCTURE DEVELOPMENT PROJECT AT BEAUFORT EXECUTIVE AIRPORT (ARW) TO FUND CONSTRUCTION OF AIRCRAFT HANGERS.

Motion: It was moved by Council Member Cunningham, Seconded by Council Member Bartholomew to approve first reading of an ordinance to invest \$4,300,000 from the general fund - fund balance in an infrastructure development project at Beaufort Executive Airport (ARW) to fund construction of aircraft hangers.

Motion to Amend: It was moved by Council Member Tabernik, Seconded by Council Member Dawson to send back to the committee for further review.

Motion failed.

Main Motion: It was moved by Council Member Cunningham, Seconded by Council Member Bartholomew to approve first reading of an ordinance to invest \$4,300,000 from the general fund - fund balance in an infrastructure development project at Beaufort Executive Airport (ARW) to fund construction of aircraft hangers.

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

17. APPROVAL OF THE PURCHASE OF LICENSE PLATE READING CAMERAS FOR THE BEAUFORT COUNTY SHERIFF'S OFFICE WITH ARPA FUNDS IN THE AMOUNT OF \$262,291.34.

Motion: It was moved by Council Member Reitz, Seconded by Council Member Dawson to approve the purchase of license plate reading cameras for the Beaufort County Sheriff's Office with ARPA funds in the amount of \$262,291.34.

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

18. APPROVAL OF THE 2025 COUNCIL MEETING SCHEDULE

Motion: It was moved by Council Member Brown, Seconded by Council Member Howard to approve the 2025 Meeting Schedule with the changes discussed.

The Vote - Motion approved without objection.

19. APPOINTMENT OF PATRICK MITCHELL TO THE STORMWATER MANAGEMENT UTILITY BOARD FOR A FOUR-YEAR TERM WITH AN EXPIRATION DATE OF NOVEMBER 2028.

Motion: It was moved by Council Member Bartholomew, Seconded by Council Member Reitz to approve the appointment of Patrick Mitchell to the Stormwater Management Utility Board for a four-year term with an expiration date of November 2028.

The Vote - Motion was approved without objection.

20. CITIZEN COMMENT PERIOD

Citizen Comment was taken.

21. EXECUTIVE SESSION

Motion: It was moved by Council Member Tabernik, Seconded by Council Member Brown, to go into Executive session for the following reasons:

- *Pursuant To S.C. Code Section 30-4-70(A)(2) receipt of legal advice where the legal advice relates to pending litigation (Beaufort County v Mashburn Et Al [Buckwalter Rec Center])*
- *Pursuant To S.C. Code Section 30-4-70(A)(2) to receive legal advice on matters related to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege (Daufuskie Island Ferry Service).*
- *Pursuant To S.C. Code Section 30-04-70(A)(2) to receive legal advice regarding pending, threatened, or potential claims or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the county in adversary situations involving the assertion of a claim against the county.*
- *Pursuant To S.C. Code Section 30-4-70(A)(2) receipt of legal advice where the legal advice relates to pending litigation (Maria Walls v. Beaufort County)*
- *Pursuant To S.C. Code Section 30-4-70(A)(2) discussion of negotiations incident to proposed contractual arrangements (Okatie River Park)*

The Vote - Motion approved without objection.

22. MATTERS ARISING OUT OF EXECUTIVE SESSION

Motion: It was moved by Council Member Brown, Seconded by Council Member Howard to authorize the deputy county attorney and our outside counsel for the case of Beaufort County vs Mashburn Construction, to negotiate a settlement for an amount as discussed in executive session and the county administrator to execute a settlement agreement for an amount as discussed in executive session.

The Vote - Motion approved without objection.

23. ADJOURNMENT

COUNTY COUNCIL OF BEAUFORT COUNTY



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

ATTEST:

Sarah W. Brock

Sarah W. Brock, Clerk to Council

Ratified: January 27, 2025