



County Council Meeting Beaufort County, SC

This meeting was held both in person and virtually through Zoom.

Monday, November 08, 2021
6:00 PM

MINUTES

1. **CALL TO ORDER**

Council Chairman Passiment called the meeting to order at 6:02 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 Alice Howard led the Pledge of Allegiance and gave the Invocation.

3. **FOIA**

Chairman Passiment noted that the 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 Vice-Chairman Sommerville, Seconded by Council Member Glover to approve the agenda.

The Vote - The motion was approved without objection

5. **APPROVAL OF MINUTES**

Motion: It was moved by Vice-Chairman Sommerville, seconded by Council Member Glover to approve the minutes from August 23, 2021, and September 13, 2021.

The Vote - The motion was approved without objection

6. **ADMINISTRATOR'S REPORT**

To see County Administrator, Eric Greenway's report please click the link below.

<https://beaufortcountysc.new.swagit.com/videos/147823>

7. **CITIZEN COMMENTS**

Leroy Gilliard stated he has been involved with redistricting since 1972 and he didn't like the results of the last redistricting and begged council to help him get proper representation.

8. **LIASION AND COMMITTEE REPORTS**

Vice-Chairman Paul Sommerville reviewed the Executive Committee consent agenda items.

Council Member Alice Howard reviewed the Natural Resources Committee consent agenda items.

To see the full discussion that occurred during the liaison and committee reports please click the link below.

<https://beaufortcountysc.new.swagit.com/videos/147823>

9. **APPROVAL OF CONSENT AGENDA**

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

The Vote - The motion was approved without objection

10. **MATTERS ARISING OUT OF THE CAUCUS EXECUTIVE SESSION**

Motion: It was moved by Vice-Chairman Sommerville, Seconded by Council Member Flewelling to authorize the County Administrator to execute the documents recommended by outside counsel relative to the pending opioid litigation.

The Vote - Voting Yea: Chairman Passiment, Council Member Glover, Council Member Hervocho, Council Member Rodman, Council Member Lawson, Council Member McElynn, Council Member Dawson, Council Member Flewelling, Council Member Cunningham. Voting Abstaining: Vice Chairman Sommerville, and Council Member Howard. Motion passed 9 yes, 0 no's and 2 abstentions.

11. **PUBLIC HEARING AND THIRD READING OF AN ORDINANCE ADOPTING THE "ENVISION BEAUFORT COUNTY 2040 COMPREHENSIVE PLAN" AND "BEAUFORT COUNTY CONNECTS BICYCLE AND PEDESTRIAN PLAN 2021" AS AN APPENDIX TO THE PLAN.**

Motion: It was moved by Council Member Howard, Seconded by Council Member Glover to approve public hearing and third reading of an ordinance adopting the "envision Beaufort County 2040 comprehensive plan" and "Beaufort County connects bicycle and pedestrian plan 2021" as an appendix to the plan.

The Chairman opened the floor for a public hearing.

Jessie White with the Coastal Conservation League spoke in favor of the 2040 Comprehensive Plan and complimented the planning staff in putting together this robust plan.

The Chairman closed the public hearing.

The Vote – the motion was approved without objection.

12. **PUBLIC HEARING AND THIRD READING OF AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A MODIFICATION OF DRAINAGE EASEMENT ASSOCIATED WITH PARCEL #R112-031-000-0628-0000**

Motion: It was moved by Council Member Cunningham, Seconded by Council Member Lawson to approve public hearing and third reading of an ordinance authorizing the County Administrator to execute a modification of drainage easement associated with parcel #r112-031-000-0628-0000.

The Chairman opened the floor for a public hearing.

No one came forward.

The Chairman closed the public hearing.

The Vote – the motion as approved without objection.

13. **PUBLIC HEARING AND SECOND READING OF AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN ACCESS AND UTILITY EASEMENT FOR A PORTION OF A RIGHT OF WAY OWNED BY BEAUFORT COUNTY KNOWN AS CASSIDY DRIVE OFF BUCKWALTER PARKWAY IN BLUFFTON TOWNSHIP SOUTH CAROLINA**

Motion: It was moved by Council Member Flewelling, Seconded by Council Member Lawson to approve public hearing and second reading of an ordinance authorizing the execution and delivery of an access and utility easement for a portion of a right of way owned by Beaufort County known as Cassidy Drive off Buckwalter Parkway in Bluffton township South Carolina

The Chairman opened the floor for a public hearing.

No one came forward.

The Chairman closed the public hearing.

The Vote – the motion was approved without objection

14. **PUBLIC HEARING AND SECOND READING OF AN ORDINANCE DECLARING CERTAIN COUNTY OWNED REAL PROPERTY AS SURPLUS PROPERTY AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS TO SELL REAL PROPERTY IDENTIFIED AS TMS NO. R700 036 000 13J 0000, R700 036 000 0112 0000, R700 036 000 0109 0000, R700 036 000 002C 0000 AND R600 036 000 001B 0000**

Motion: It was moved by Council Member Howard, seconded by Vice-Chairman Sommerville to approve public hearing and second reading of an ordinance declaring certain county owned real property as surplus property and authorizing the County Administrator to execute any and all necessary documents to sell real property identified as tms no. R700 036 000 13j 0000, r700 036 000 0112 0000, r700 036 000 0109 0000, r700 036 000 002c 0000 and r600 036 000 001b 0000

Discussion: Council Member Hervochoch stated he was going to continue to vote against this item because he does not believe council should be putting an undefined sum of money towards the affordable house efforts especially since council has identified funding through ARPA that would fully fund this.

Council Member Lawson stated he agreed with Council Member Hervochoch and is for selling the property but not for how this one is being done.

Council Member Dawson stated Council needs to have a discussion as to where these funds will be channeled and utilized, and he is not going to support it either.

Council Member Rodman stated he was not going to vote against this item but believes this is the wrong vehicle to be allocating funds.

Motion to Amend: It was moved by Council Member Flewelling, seconded by Council Member Hervochon to remove the amendment from the prior council meeting declaring the proceeds from the property go towards affordable housing.

Discussion: Administrator Greenway stated he had no problem coming back to council once the properties have been sold to get Council's direction on what to do with the funds.

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

Main Motion: It was moved by Council Member Howard, seconded by Vice-Chairman Sommerville to approve public hearing and second reading of an ordinance declaring certain county owned real property as surplus property and authorizing the County Administrator to execute any and all necessary documents to sell real property identified as tms no. R700 036 000 13j 0000, r700 036 000 0112 0000, r700 036 000 0109 0000, r700 036 000 002c 0000 and r600 036 000 001b 0000 without the affordable housing clause.

The Chairman opened the floor for a 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 REGARDING A TEXT AMENDMENT TO BEAUFORT COUNTY CODE OF ORDINANCES: ARTICLE VII, DIVISION 4, SECTION 2-508; SECTION 2-509; SECTION 2-513; SECTION 2-517; AND SECTION 2-541 TO UPDATE ADMINISTRATIVE CHANGES, TO PROVIDE NECESSARY CONTRACT DOLLAR THRESHOLD CHANGES AND TO UPDATE EXEMPTION PROVISIONS AND PROCEDURES.**

Motion: It was moved by Council Member Lawson, seconded by Council Member Rodman to approve public hearing and second reading of an ordinance regarding a text amendment to Beaufort County code of ordinances: article vii, division 4, section 2-508; section 2-509; section 2-513; section 2-517; and section 2-541 to update administrative changes, to provide necessary contract dollar threshold changes and to update exemption provisions and procedures.

The Chairman opened the floor for a public hearing.

No one came forward.

The Chairman closed the public hearing.

Motion to Amend: It was moved by Council Member Rodman, seconded by Council Member Flewelling to change the committee back \$100,000 from \$150,000.

Discussion: Council Member Hervochon stated he does not see consistency and doesn't think this does anything to help transparency.

Motion Amend was withdrawn.

Motion to Amend: It was moved by Council Member Flewelling, seconded by Council Member Cunningham to refer this item back to the Finance Committee.

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

16. **FIRST READING OF AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS TO CONVEY A PORTION OF, ACCEPT A DEED FOR, AND CONVEY A PERPETUAL EASEMENT ON A PORTION OF PROPERTY OWNED BY BEAUFORT COUNTY WITH TMS NO. R600 021 000 0673 0000; EXECUTE AN AMENDMENT TO A DEED OF PERPETUAL EASEMENT ON A PORTION OF THE**

PROPERTY WITH TMS NO. R600 021 000 0007 0000; AND ACCEPT A DONATION TO THE RURAL AND CRITICAL LANDS PROGRAM

Motion: It was moved by Vice-Chairman Sommerville, seconded by Council Member Lawson to approve first reading of an ordinance authorizing the county administrator to execute the necessary documents to convey a portion of, accept a deed for, and convey a perpetual easement on a portion of property owned by Beaufort County with tms no. R600 021 000 0673 0000; execute an amendment to a deed of perpetual easement on a portion of the property with tms no. R600 021 000 0007 0000; and accept a donation to the Rural and Critical Lands program

Motion Withdrawn

Motion: It was moved by Council Member Cunningham, seconded by Council Member Lawson to approve first reading of an ordinance authorizing the county administrator to execute the necessary documents to convey a portion of, accept a deed for, and convey a perpetual easement on a portion of property owned by Beaufort County with tms no. R600 021 000 0673 0000; execute an amendment to a deed of perpetual easement on a portion of the property with tms no. R600 021 000 0007 0000; and accept a donation to the Rural and Critical Lands program

Discussion: Council Member Flewelling stated he would support this item on first reading but has some legal concerns he would like to get addressed by second reading.

Council Member Howard stated the entire development agreement has been a disaster since the beginning and she plans on voting no.

Council Member Lawson stated this is not about pepper hall but this is about taking corrective measures to make what we already have something that is workable and usable.

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

17. **FIRST READING OF AN ORDINANCE TO AMEND THE STORMWATER MANAGEMENT UTILITY ORDINANCE AS ADOPTED SEPTEMBER 26, 2016 TO PROVIDE FOR THE ADOPTION OF STORMWATER MANAGEMENT STANDARDS SET FORTH IN THE SOUTHERN LOWCOUNTRY DESIGN MANUAL TO MEET THE MUNICIPAL SEPARATE STORMSEWER SYSTEM (MS4) PERMIT REQUIREMENTS**

Motion: It was moved by Council Member Howard, Seconded by Council Member Glover to approve first reading of an ordinance to amend the stormwater management utility ordinance as adopted September 26, 2016 to provide for the adoption of stormwater management standards set forth in the Southern Lowcountry design manual to meet the municipal separate stormsewer system (ms4) permit requirements.

The Vote - the motion was approved without objection.

18. **FIRST READING OF AN ORDINANCE FOR A TEXT AMENDMENT TO THE STORMWATER MANAGEMENT UTILITY ORDINANCE AS ADOPTED SEPTEMBER 26TH, 2016 TO ADDRESS THE ADOPTION OF THE SOUTHERN LOWCOUNTRY DESIGN MANUAL**

Motion: It was moved by Council Member Howard, Seconded by Council Member Glover to approve first reading of an ordinance for a text amendment to the stormwater management utility ordinance as adopted September 26th, 2016 to address the adoption of the Southern Lowcountry design manual.

The Vote - the motion was approved without objection.

19. **FIRST READING OF AN ORDINANCE FOR A TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): SECTION A.3.40 (PERMITTED ACTIVITIES) TO REVISE THE LADY’S ISLAND EXPANDED HOME BUSINESS DISTRICT TO INCLUDE SHORT-TERM RENTALS AS A SPECIAL USE.**

Motion: It was moved by Council Member Glover, Seconded by Council Member Dawson to approve first reading of an ordinance for a text amendment to the community development code (cdc): section a.3.40 (permitted activities) to revise the Lady’s Island expanded home business district to include short-term rentals as a special use.

Discussion: Council Member Sommerville stated he was going to have to recuse himself from this item.

The Vote - the motion was approved without objection and with 1 abstention.

20. **A RESOLUTION ESTABLISHING THE CRITERIA TO BE USED FOR THE REAPPORTIONMENT OF ALL COUNTY COUNCIL DISTRICTS AS TO POPULATION FOLLOWING THE ADOPTION BY THE STATE OF THE FEDERAL DECENNIAL CENSUS AS REQUIRED BY S.C. CODE ANN. SEC. 4-9-90**

Motion: It was moved by Council Member Howard, seconded by Council Member Flewelling to approve a resolution establishing the criteria to be used for the reapportionment of all County Council Districts as to population following the adoption by the state of the federal decennial census as required by S.C. Code ann. Sec. 4-9-90.

The Vote –_the motion was approved without objection.

21. **APPROVAL OF MONDAY, DECEMBER 27, 2021, AS AN ADDITIONAL CHRISTMAS HOLIDAY FOR THE BEAUFORT COUNTY EMPLOYEES.**

Motion: It was moved by Council Member Dawson, Seconded by Council Member Cunningham to approve Monday, December 27, 2021, as an additional Christmas holiday for the Beaufort County employees

22. **CITIZEN COMMENTS**

There were no citizen comments.

23. **ADJOURNMENT**

The meeting adjourned at 7:08 PM

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____

Joseph F. Passiment, Jr., Chairman

ATTEST:

Sarah W. Brock, Clerk to Council

Ratified: January 24, 2022