



County Council Meeting Beaufort County, SC

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

Monday, April 26, 2021
6:00 PM

MINUTES

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 York Glover
Council Member Chris Hervocho
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 Cunningham led the Pledge of Allegiance and Invocation

3. FOIA

Chairman Passiment noted 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 Vice-Chairman Sommerville to approve the agenda. Motion approved without objection.

5. APPROVAL OF MINUTES

Motion: It was moved by Council Member Howard, seconded by Council Member Cunningham to approve the minutes from February 8, 2021 and February 22, 2021. Motion approved without objection.

6. ADMINISTRATOR'S REPORT

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

<https://beaufortcountysc.new.swagit.com/videos/119976>

7. PROCLAMATION HONORING CORRECTIONAL OFFICERS

Chairman Passiment presented a proclamation to all the Beaufort County Correctional Officers honoring them for the work they do.

8. PRESENTATION BY BARBARA JOHNSON FROM LOWCOUNTRY COUNCIL OF GOVERNMENTS ON THE ANNUAL CONSOLIDATED PLAN

To see the full presentation please click the link below.

<https://beaufortcountysc.new.swagit.com/videos/119976>

9. US 278 Independent Review Final Report Presentation

HDR Consultant Philip Hutchinson provided an update of the US 278 Independent Review.

10. Discussion and presentation of the Comprehensive Annual Financial Report for 2020 by external auditor's Mauldin & Jenkins CPA's and Advisors.

David Irwin, CPA with Mauldin & Jenkins reviewed the County's Financial and Compliance Audit.

To see the presentation please click the link below.

<https://beaufortcountysc.new.swagit.com/videos/119976>

11. Citizen Comments

There were no citizen comments.

12. LIAISON AND COMMITTEE REPORTS

Council Member Lawson stated the following items were coming forward from the Finance Committee for consideration for approval on the consent agenda:

- Resolution for acceptance of a grant award to the Beaufort County Sheriff's Office.

Council Member Rodman stated the following items were coming forward from the Public Facilities Committee for consideration for approval on the consent agenda:

- First Reading of an ordinance authorizing the execution and delivery of Utility Easements #901550 & 901551 encumbering property owned by Beaufort County.
- Recommendation for additional work - Beaufort County Road Resurfacing Year 4 contract (\$399,517)
- Recommendation of Award RFQ#040920E 2018 One Cent Sales Tax Construction Engineering & Inspection Services (\$3,347,718.68)
- Recommendation to Award IFB#021121E Earthwork & Site Utilities at Myrtle Business Park Commercial Development (\$367,562)
- Intergovernmental Agreement between Beaufort County and Town of Yemassee for Special Projects and Associated Services

- RFQ 100820 Parks and Recreation Master Plan Consulting Services Contract Award Recommendation
- Commercial Property Lease Agreement Update for Stoneworks, LLC (Fiscal impact: Minor amount of forgone revenue, revenue that does not currently exist)
- Recommendation of award for IFB #031021 HVAC and Control Energy Management System Replacement for the Detention Center (\$1,548,125.00)
- Lease Agreement for the Lobeco Library with the Beaufort County School District. (\$1 for the term of the lease)
- Reappointment of Bruce Kline for a 4th term to the Construction Adjustment and Appeals Board with an expiration date of 2025.

Council Member Howard stated TCL enrollment is up and this summer they are going to offer dual enrollment for high school students.

Council Member McElynn stated there wasn't going to be a Community Services and Public Safety Committee meeting in May but they were already working on items for the June Meeting.

Council Member Glover stated he was concerned the Engineering Division staff may be overloaded and he wanted to put his concern on record.

CONSENT AGENDA

Motion: It was moved by Council Member Flewelling, Seconded by Council Member Rodman to approve the consent agenda. Motion approved without objection.

13. ACCEPTANCE OF THE FISCAL YEAR 2020 COMPREHENSIVE ANNUAL FINANCIAL REPORT AND THE CORRECTIVE ACTION PLAN.

Motion: It was moved by Vice-Chairman Sommerville, Seconded by Council Member Lawson to approve the Fiscal Year 2020 Comprehensive Annual Financial Report and Corrective Action Plan. Motion approved without objection.

14. CONSIDERATION OF AUTHORIZATION TO PROCEED WITH DESIGN AND PERMITTING OF SC 170 IMPROVEMENTS BETWEEN 278 AND 462 ON AN EXPEDITED BASIS, NOT TO EXCEED \$300,000.

Motion: It was moved by Council Member Rodman, Seconded by Vice-Chairman Sommerville to approve authorization to proceed with design and permitting of SC 170 Improvements between 278 and 462 on an expedited basis not to exceed \$300,000.

Discussion:

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.

15. APPROVE ENTERING INTO THE LAWSUIT AGAINST THE ONLINE SHORT-TERM RENTAL COMPANIES

Motion: It was moved by Council Member Howard, seconded by Council Member Cunningham to approve entering into a Class Action Suit against online, short-term rental companies. Motion approved without objection.

16. PUBLIC HEARING AND THIRD READING OF AN ORDINANCE TO USE \$5 MILLION IN FUND BALANCE TO DEFEASE BONDS.

Motion: It was moved by Council Member Lawson, seconded by Council Member Dawson to approve the third reading of an ordinance to use \$5 million in fund balance to defease bonds.

The Chairman opened the floor for public hearing.

No one came forward.

The Chairman closed public hearing.

The motion passed without objection.

17. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE TO MAKE PERMANENT THE PREVIOUSLY ADOPTED EMERGENCY RESOLUTION ALLOWING FOR ELECTRONIC OR HYBRID MEETINGS, AND OTHER MATTERS RELATED THERETO

Motion: It was moved by made by Council Member Glover, seconded by Council Member Cunningham to approve the second reading of an ordinance to make permanent the previously adopted emergency resolution allowing for electronic meeting participation.

The Chairman opened the floor for public hearing.

No one came forward.

The Chairman closed public hearing.

Motion to Amend: It was moved by Council Member Cunningham, seconded by Council Member Flewelling to remove County Council Meetings (does not apply to committee meetings or boards or commissions) from this ordinance.

Discussion: To see the presentation please click the link below.

<https://beaufortcountysc.new.swagit.com/videos/119976>

Amended Motion Vote - Voting Yea: Council Member Hervochon, Council Member Rodman, Council Member Dawson, Council Member Flewelling, Council Member Cunningham. Voting Nay: Chairman Passiment, Vice-Chairman Sommerville, Council Member Glover, Council Member Howard, Council Member Lawson, Council Member McElynn. The motion failed 5:6.

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

18. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE TO CALL FOR A REFERENDUM TO ALLOW THE QUALIFIED ELECTORS OF BEAUFORT COUNTY, SOUTH CAROLINA TO VOTE TO RETAIN THE COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT OR CHANGE TO THE COUNCIL-MANAGER FORM OF GOVERNMENT

Motion: It was moved by Vice-Chairman Sommerville, Seconded by Council Member McElynn to approve the second reading of an ordinance to call for a referendum to allow the qualified electors of Beaufort County, SC to vote to retain the Council Administrator form of Government.

Discussion: To see full discussion click the link below.

<https://beaufortcountysc.new.swagit.com/videos/119976>

The Chairman opened the floor for public hearing.

No one came forward.

The Chairman closed public hearing.

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

19. **SECOND READING OF AN ORDINANCE TO LEVY AND IMPOSE A ONE PERCENT LOCAL OPTION SALES AND USE TAX WITHIN BEAUFORT COUNTY, SOUTH CAROLINA, PURSUANT TO SECTION 4-10-10 ET SEQ., OF THE SOUTH CAROLINA CODE OF LAWS, 1976, AS AMENDED; TO DEFINE THE SPECIFIC PURPOSE OF THE TAX; TO IMPOSE CONDITIONS AND RESTRICTIONS UPON THE USE OF THE PROCEEDS OF THE TAX; TO PROVIDE FOR A COUNTY-WIDE REFERENDUM FOR THE IMPOSITION OF THE TAX; TO PROVIDE FOR THE CONDUCT OF SUCH REFERENDUM; TO PROVIDE FOR THE ADMINISTRATION OF THE TAX, AND OTHER MATTERS RELATING THERETO.**

Motion: It was moved by Council Member Howard, Seconded by Council Member Lawson to approve a local option sales tax referendum.

Discussion: To see full discussion please click the link below.

<https://beaufortcountysc.new.swagit.com/videos/119976>

EXTEND PAST 8 O'CLOCK

Motion: It was moved by Council Member Lawson, seconded by Council Member Cunningham to go past the 8 pm. The motion was approved without objection.

Main Motion Vote - Voting Yea: Chairman Passiment, Vice Chairman Sommerville, Council Member Glover, Council Member Howard, Council Member Lawson, Council Member McElynn, Council Member Dawson, Council Member Flewelling. Voting Nay: Council Member Hervochon, Council Member Rodman, Council Member Cunningham. The motion passed 8:3.

20. **THE SECOND READING OF AN ORDINANCE AS AMENDED AUTHORIZING THE EXECUTION AND DELIVERY OF A SSRC BY AND BETWEEN BEAUFORT COUNTY, SOUTH CAROLINA AND PROJECT BURGER PROVIDING FOR A PAYMENT IN LIEU OF TAXES AND OTHER MATTERS RELATED THERETO**

Motion:It was moved by Vice-Chairman Sommerville, seconded by Council Member Howard to approve the second reading of an ordinance as amended authorizing the execution and delivery of a SSRC by and between Beaufort County, South Carolina and project burger providing for a payment in lieu of taxes and other matters related thereto.

Discussion: To see full discussion please click link below.

<https://beaufortcountysc.new.swagit.com/videos/119976>

This motion was approved without objection.

21. THE SECOND READING OF AN ORDINANCE AS AMENDED AUTHORIZING THE EXECUTION AND DELIVERY OF A SSRC BY AND BETWEEN BEAUFORT COUNTY, SOUTH CAROLINA, AND PROJECT GARDEN, PROVIDING FOR A PAYMENT OF A FEE IN LIEU OF TAXES AND OTHER MATTERS RELATED THERETO

Motion: It was moved by Council Member Dawson, seconded by Council Member Lawson to approve the second reading of an ordinance as amended authorizing the execution and delivery of a SSRC by and between Beaufort County, South Carolina, and project garden, providing for a payment of a fee in lieu of taxes and other matters related thereto. Motion was approved without objection.

22. FIRST READING OF AN ORDINANCE AMENDING ORDINANCE NUMBER 2020/19 WHICH ESTABLISHED THE SOLID WASTE AND RECYCLING ENTERPRISE FUND

Motion: It was moved by Council Member Rodman, seconded by Council Member Glover to approve the first reading of an ordinance amending ordinance number 2020/19 which established the solid waste and recycling enterprise fun. Motion was approved without objection.

23. THE FIRST READING OF AN ORDINANCE APPROVING THE INTERGOVERNMENTAL AGREEMENTS BETWEEN BEAUFORT COUNTY, PORT ROYAL, AND THE CITY OF BEAUFORT REGARDING PROJECT BURGER, GARDEN, GLASS AND STONE.

Motion: It was moved by Council Member Flewelling, seconded by Council Member Howard to approve the first reading of an ordinance approving the intergovernmental agreements between Beaufort County, Port Royal, and the City of Beaufort regarding project burger, garden, glass and stone. Motion approved without objection.

24. MATTERS ARISING OUT OF EXECUTIVE SESSION

No matters arising

25. CITIZEN COMMENT

There were no citizen comments.

26. ADJOURNMENT

The meeting adjourned at 8:17 pm.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____

Joseph F. Passiment, Jr., Chairman

ATTEST:

Sarah W. Brock, Clerk to Council

Ratified: