



Community Services and Land Use Committee Beaufort County, SC

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

Monday, September 11, 2023
3:00 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.gov/council/council-committee-meetings/index.html>

1. CALL TO ORDER

Committee Chair Howard called the meeting to order at 3 p.m.

PRESENT

Chairman Alice Howard
Council Member Paula Brown
Council Member Gerald Dawson
Ex-Officio Joseph F. Passiment
Council Member David P. Bartholomew
Council Member Logan Cunningham
Council Member Mark Lawson
Council Member Lawrence McElynn
Council Member Anna Maria Tabernik
Council Member Thomas Reitz

ABSENT

Vice-Chairman York Glover

2. PLEDGE OF ALLEGIANCE

Committee Chair Howard led the Pledge of Allegiance.

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

Committee Chair Howard 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 Passiment, seconded by Council Member McElynn, to approve the agenda.

The Vote - The motion was approved without objection.

5. APPROVAL OF MINUTES- August 14, 2023

Motion: It was moved by Council Member Tabernik, seconded by Council Member Brown, to approve the minutes of August 14, 2023.

The Vote - The motion was approved without objection.

6. CITIZEN COMMENT PERIOD- 15 MINUTES TOTAL

Anyone who wishes to speak during the Citizen Comment portion of the meeting will limit their comments and speak no longer than three (3) minutes. Speakers will address Council in a respectful manner appropriate to the decorum of the meeting, refraining from the use of profane, abusive, or obscene language. In accordance with Beaufort County's Rules and Procedures, giving of a speaker's time to another is not allowed.

The following individuals spoke during Citizen Comment:

1. Derek Stetter
2. Chuck Newton
3. Scottie Daniel
4. Bonnie Krstolic
5. Felice LaMarca
6. Terry Laseter

7. UPDATE FROM ASSISTANT COUNTY ADMINISTRATOR

Assistant County Administrators Chuck Atkinson and Audra Antonacci-Ogden gave updates on the divisions under their purview.

To watch the full discussion please click on the video link below.

<https://beaufortcountysc.new.swagit.com/videos/271135>

AGENDA ITEMS

8. OVERVIEW AND BACKGROUND OF THE LADY'S ISLAND VILLAGE CENTER MASTER PLAN

Rob Merchant, Director Planning & Zoning gave a brief update and history regarding the Lady's Island Village Center Master Plan.

To watch the full discussion please click on the video link below.

<https://beaufortcountysc.new.swagit.com/videos/271135>

9. RECOMMEND APPROVAL OF AN ORDINANCE FOR A PROPOSED TEXT AMENDMENT TO ARTICLE 7, DIVISION 7.4, SECTION 7.4.50 (PUBLIC HEARING SCHEDULING AND NOTICE) AND SECTION 7.4.70 (PUBLIC HEARING PROCEDURES) TO CLARIFY THAT PUBLIC COMMENT IS NOT TAKEN FOR APPEALS TO THE PLANNING COMMISSION OR THE ZONING BOARD OF APPEALS

Motion: It was moved by Council Member Passiment, seconded by Council Member McElynn, to recommend approval of an ordinance for a proposed text amendment to Article 7, Division 7.4, Section 7.4.50 (Public Hearing Scheduling and Notice) and Section 7.4.70 (Public Hearing Procedures) to clarify that public comment is not taken for appeals to the Planning Commission or the Zoning Board of Appeals.

Discussion: Planning and Zoning Department Director Merchant commented that: the amendment came at the recommendation of the County Attorney. Both the PC and ZBA hear appeals and take on a quasi-judicial process. When looking at an appeal, typically appealing a decision made by staff. When hear an appeal, only look at the evidence that staff used in making that determination. Ran into ambiguity in ordinance language that could be interpreted as allowing public comment when there is an appeal. The amendments are to provide more clarity - public not offering additional info that will be used in decision-making.

The Vote - The motion was approved without objection.

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10. **RECOMMEND APPROVAL OF AN ORDINANCE FOR A ZONING MAP AMENDMENT/REZONING REQUEST FOR 71.54 ACRES (R600 013 000 0008 0000 AND R600 013 000 0050 0000), LOCATED AT 1691 OKATIE HIGHWAY, FROM T2 RURAL (T2R) TO T4 NEIGHBORHOOD CENTER (T4NC) AND T3 NEIGHBORHOOD (T3N) USING A VILLAGE PLACE TYPE OVERLAY (PTO) (ARTICLE 3 DIVISION 4 SECTION 80, ARTICLE 7 DIVISION 3 SECTION 50).**

Motion: It was moved by Council Member Passiment, seconded by Council Member Bartholomew, to recommend approval of an ordinance for a Zoning Map Amendment/Rezoning Request for 71.54 acres (R600 013 000 0008 0000 and R600 013 000 0050 0000) located at 1691 Okatie Highway, from T2 Rural (T2R) to T4 Neighborhood Center (T4NC) and T3 Neighborhood (T3N) using a Village Place Type Overlay (PTO) (Article 3 Division 4 Section 80, Article 7 Division 3 Section 50).

The Vote - Voting Yea: Chair Howard, Council Member Passiment, Council Member Bartholomew, Council Member Lawson, and Council Member McElynn. **Voting Nay:** Council Member Brown, Council Member Dawson, Council Member Cunningham, Council Member Tabernik, and Council Member Reitz.

The motion failed by 5:5, but it was still moved to full Council.

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11. **RECOMMEND APPROVAL OF AN ORDINANCE ADOPTING AMENDMENTS TO CH 38. ARTICLE II. TRASH AND LITTER CONTROL OF THE BEAUFORT COUNTY CODE OF ORDINANCES**

Motion: It was moved by Council Member Cunningham, seconded by Council Member Tabernik, to recommend approval of an ordinance adopting amendments to CH 38. Article 11. Trash and Litter Control of the Beaufort County Code of Ordinances.

Discussion: Council Member Tabernik asked how to notify residents about the changes and the fine increase (up to 500 dollars) - how to do that when there is so much language.

ACA Atkinson stated the process for enforcement is multi-layered. First time as code enforcement employees is notify the customer about the issue and help them find a solution. First thing in code enforcement is education. Will notify before penalties. The penalties are defined by the South Carolina Code of Laws and they are updating the Chapter to match (has not been updated since 1980).

Council Member Bartholomew stated code enforcement entering the property, is there a court order to do so.

ACA Atkinson stated that falls under search and seizure laws. Typically, if we can observe it from the public way/plain view - we can go where ever the UPS guy goes. All search and seizure laws apply, and we do not violate them.

The Vote - The motion was approved without objection.

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12. EXECUTIVE SESSION

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

The Vote - The motion was approved without objection.

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PURSUANT TO S.C. CODE SECTION 30-4-70(A)(2): DISCUSSION OF NEGOTIATIONS INCIDENT TO PROPOSED CONTRACTUAL ARRANGEMENTS (BEAUFORT-JASPER ECONOMIC OPPORTUNITY COMMISSION)

PURSUANT TO S. C. CODE SECTION 30-4-70(A)(2): DISCUSSION OF NEGOTIATIONS INCIDENT TO PROPOSED CONTRACTUAL ARRANGEMENTS (DAUFUSKIE ISLAND FERRY SERVICE CONTRACT)

14. MATTERS ARISING OUT OF EXECUTIVE SESSION

Motion: It was moved by Council Member McElynn, seconded by Council Member Lawson, to move the discussion on the payments to Daufuskie Island Ferry that were made in executive session forward to County Council.

The Vote - Voting Yea: Chairman Howard, Council Member Brown, Council Member Dawson, Ex-Officio Passiment, Council Member Bartholomew, Council Member Lawson, Council Member McElynn, Council Member Tabernik, Council Member Reitz. **Voting Nay:** Council Member Cunningham.

The motion passed 9:1.

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15. ADJOURNMENT

Committee Chair Howard adjourned the meeting at 4:46 p.m.

Ratified: November 13, 2023