



## County Council Meeting Beaufort County, SC

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

Monday, October 09, 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/273985>*

#### 1. CALL TO ORDER

Vice-Chairman McElynn called the meeting to order at 5:00 p.m.

##### PRESENT

Vice-Chairman Lawrence McElynn  
Council Member David P. Bartholomew  
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

##### ABSENT

Chairman Joseph F. Passiment  
Council Member Paula Brown  
Council Member Thomas Reitz

#### 2. PLEDGE OF ALLEGIANCE AND INVOCATION

Vice-Chairman McElynn led the Pledge of Allegiance, and Council Member Tabernik led the Invocation.

#### 3. FOIA

Vice-Chairman McElynn 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 Lawson, to approve the agenda.

**Motion to Amend:** It was moved by Council Member Cunningham, seconded by Council Member Howard, to add an executive session item to discuss pursuant to South Carolina Code of Laws Section 30-4-70 A1 employment, appointment, compensation, promotion, demotion, discipline, or release of a person regulated by a public body.

**Main Motion:** It was moved by Council Member Cunningham, seconded by Council Member Howard, to approve the agenda as amended.

**The Vote** - The main motion was approved without objection.

## 5. APPROVAL OF MINUTES

**Motion:** It was moved by Council Member Tabernik, seconded by Council Member Dawson, to approve the minutes of August 21, 2023, August 24, 2023, August 28, 2023 (1st Meeting), and August 28, 2023 (2nd Meeting).

**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/273985?ts=249>

Interim County Administrator Robinson informed the Council that he and a few Assistant County Administrators will participate in an October 18<sup>th</sup> course run by the South Carolina Association of Counties' Institute of Government for County Officials. Interim County Administrator Robinson highlighted three employees: Deputy County Assessor Milton Boswell, Judge Heather Galvin of Beaufort County's Probate Court, and Latessa Crawford with Records Management.

Ginger Marshall of Beaufort County EMS briefed the Council on the 2<sup>nd</sup> Annual First Responder Food Drive taking place until November 30, 2023, advertisement of food collection stations through flyers and social media, and the donation split between HELP of Beaufort and Bluffton Self Help.

## 7. PROCLAMATION RECOGNIZING BULLYING PREVENTION AWARENESS MONTH

Please watch the video stream available on the County's website to view the full presentation.

<https://beaufortcountysc.new.swagit.com/videos/273985?ts=757>

Council Member Tabernik presented a proclamation recognizing October as Bullying Prevention Awareness Month.

## 8. CITIZEN COMMENT PERIOD

Please watch the video stream available on the County's website to view the full comment.

<https://beaufortcountysc.new.swagit.com/videos/273985?ts=1233>

1. Robert New
2. Roberts Vaux

## 9. LIASION AND COMMITTEE REPORTS

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

<https://beaufortcountysc.new.swagit.com/videos/273985?ts=1623>

Council Member Alice Howard commented on the Beaufort Memorial Hospital Board meeting, including the increased number of outpatients, board nominations, pharmacy education on antibiotics, and workforce housing.

Council Member Tabernik commented on Coosa Elementary School's receipt of the National Blue Ribbon Award and Beaufort County School Board's progress on reviewing 97 books, with only 23 remaining for consideration. Council Member Tabernik also commented on the Lowcountry Area Transportation Study meeting, where SCDOT provided updates on I-95, US 17, and \$815 million in anticipated transportation projects from 2023 to 2028.

**10. APPROVAL OF CONSENT AGENDA**

**Motion:** It was moved by Council Member Howard, seconded by Council Member Cunningham, to approve the consent agenda.

**The Vote** - The motion was approved without objection.

**11. THIRD READING OF AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS AND PROVIDE FUNDING FOR THE PURCHASE OF REAL PROPERTY IDENTIFIED AS 34 ULMER ROAD (FISCAL IMPACT: \$3,150,000 Purchase Price plus closing costs and to include all due diligence costs. Funding source is the General Fund- Fund Balance)**

Please watch the video stream available on the County's website to view the full discussion.

<https://beaufortcountysc.new.swagit.com/videos/273985?ts=1959>

Vice-Chairman McElynn provided an overview of the Green Space Advisory Committee's creation and purpose, proposed the potential purchase of the 34 Ulmer Road property be referred to the Green Space Advisory Committee for evaluation, and requested the seller submit an application for the property to the Green Space Advisory Committee.

Mike McShane, Chairman of Beaufort County's Green Space Advisory Committee, commented on the County's ability to bring forward an application to the Green Space Advisory Committee on the property. Mr. McShane added that the pre-application process is undergoing evaluation and that applications would be accepted through the end of October.

Council Member Bartholomew and Mr. McShane discussed whether a conservation appraisal would be done. Mr. McShane added that the need for a conservation appraisal would be determined through due diligence.

Council Member Howard and Mr. McShane discussed the County as an application. Mr. McShane noted that an application through the County does not guarantee that the County would purchase the property.

**Motion:** It was moved by Council Member Cunningham, seconded by Council Member Howard, to approve the third reading of an ordinance authorizing the County Administrator to execute the necessary documents and provide funding for the purchase of real property identified as 34 Ulmer Road.

**Discussion:** Council Member Cunningham commented on media coverage of the Council's deliberations on this item and the County's interest in securing recreation fields.

**Motion:** It was moved by Council Member Cunningham, seconded by Council Member Bartholomew, to defer the third reading to refer the property to the Green Space Advisory Committee for evaluation and to hold the third reading after the evaluation is received.

**Discussion:** Council Member Lawson commented on concerns about housing development on the property and the connection between the Ulmer Road property, Bluffton Recreation Center, and Bailey Memorial Park.

Council Member Bartholomew and County Attorney Keaveny discussed public access to appraisals.

Council Member Cunningham and Mr. McShane discussed the timeline for evaluation, with Mr. McShane noting that the Green Space Advisory Committee has a quarterly application process and that the evaluations would be completed before the next application deadline in January.

**The Vote** – Voting Yea: Vice-Chairman McElynn, Council Member Bartholomew, Council Member Cunningham, Council Member Dawson, Council Member Glover, Council Member Howard, and Council Member Tabernik. Voting Nay: Council Member Lawson. The motion passed by 7:1.

**12. PUBLIC HEARING AND THIRD READING OF AN ORDINANCE AUTHORIZING THE HILTON HEAD NO. 1 PUBLIC SERVICE DISTRICT, SOUTH CAROLINA TO ISSUE NOT EXCEEDING \$23,000,000 OF GENERAL OBLIGATION BONDS; AND PROVIDING FOR OTHER MATTERS RELATED THERETO**

**Motion:** It was moved by Council Member Tabernik, seconded by Council Member Lawson, to approve the public hearing and third reading of an ordinance authorizing the Hilton Head No. 1 Public Service District, South Carolina to issue not exceeding \$23,000,000 of general obligation bonds; and providing for other matters related thereto.

Vice-Chairman McElynn opened the floor for public comment.

No one came forward.

The Vice-Chairman closed the public comment.

**The Vote** - The motion was approved without objection.

**13. PUBLIC HEARING AND SECOND READING 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 Howard, seconded by Council Member Dawson, to approve the public hearing and second reading 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.

Vice-Chairman McElynn opened the floor for public comment.

No one came forward.

The Vice-Chairman closed the public comment.

**The Vote** – The motion was approved without objection.

**14. PUBLIC HEARING AND SECOND READING 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 Howard, seconded by Council Member Glover, to approve the public hearing and second reading of an ordinance adopting amendments to CH 38. Article II. Trash and Litter Control of the Beaufort County Code of Ordinances.

Vice-Chairman McElynn opened the floor for public comment.

No one came forward.

The Vice-Chairman closed the public comment.

**The Vote** – The motion was approved without objection.

**15. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE ADOPTING AMENDMENTS TO CHAPTER 62, SOLID WASTE, BEAUFORT COUNTY CODE OF ORDINANCES**

**Motion:** It was moved by Council Member Glover, seconded by Council Member Howard, to approve the public hearing and second reading of an ordinance adopting amendments to Chapter 62, Solid Waste, Beaufort County Code of Ordinances.

Vice-Chairman McElynn opened the floor for public comment.

No one came forward.

The Vice-Chairman closed the public comment.

**The Vote** – The motion was approved without objection.

**16. FIRST READING OF AN ORDINANCE AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO ACCEPT RIGHT OF WAY ON DIANAH'S DRIVE**

Please watch the video stream available on the County's website to view the full discussion.

<https://beaufortcountysc.new.swagit.com/videos/273985?ts=3276>

**Motion:** It was moved by Council Member Cunningham, seconded by Council Member Howard, to approve the first reading of an ordinance authorizing the Interim County Administrator to execute any and all documents necessary to accept right of way on Dianah's Drive.

**Discussion:** Assistant County Administrator Fralix explained that Dianah's Drive was paved in 2006 as part of the County's dirt road paving program and that the County could not acquire the full deed to the right of way. ACA Fralix added that this authorization would allow the County to accept the center portion of the right of way not included in the deed.

**The Vote** – The motion was approved without objection.

**17. FIRST READING OF AN ORDINANCE AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO ENTER INTO A LEASE AGREEMENT FOR REAL PROPERTY LOCATED AT 30 HUNTER ROAD WITH EDISON FOARD, INC. (FISCAL IMPACT: Hilton Head Island Airport will receive income generated through lease revenue - -Tenant shall pay \$1,390.00 for office space (814 square feet x \$20.50/12) and \$1,698 for warehouse space (1,406 square feet x \$14.50/12) in monthly base rental payments for premises located at 30 Hunter Rd. These lease rates are in accordance with current Beaufort County lease policies)**

Please watch the video stream available on the County's website to view the full discussion.

<https://beaufortcountysc.new.swagit.com/videos/273985?ts=3382>

**Motion:** It was moved by Council Member Cunningham, seconded by Council Member Glover, to approve the first reading of an ordinance authorizing the Interim County Administrator to enter into a lease agreement for real property located at 30 Hunter Road with Edison Foard, Inc.

**Discussion:** Council Member Tabernik and County Attorney Keaveny discussed the legal review request form in the agenda packet. County Attorney Keaveny noted that the request form was an internal document that should not have been included in the agenda packet.

**The Vote** – The motion was approved without objection.

**18. 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 HIGH TIDE AVIATION SCENIC TOURS (FISCAL IMPACT: Beaufort Executive Airport will receive income generated through fuel sales, the airport's standard 3% operating agreement, and lease revenue --Tenant shall pay \$231.00 (140 square feet x \$19.80/12) in monthly base rental payments for premises located at the Beaufort Executive Airport terminal. These lease rates are in accordance with current Beaufort County lease policies)**

**Motion:** It was moved by Council Member Glover, 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 High Tide Aviation Scenic Tours.

**The Vote** – The motion was approved without objection.

19. **APPROVAL OF A RESOLUTION TO ENTER INTO AN INTERGOVERNMENTAL SUPPORT AGREEMENT (IGSA) WITH THE DEPARTMENT OF DEFENSE TO SUPPORT OPERATIONS AT THE MARINE CORPS RECRUIT DEPOT PARRIS ISLAND (MCRD PARRIS ISLAND), THE MARINE CORPS AIR STATION (MCAS) AND THE NAVAL HOSPITAL BY PROVIDING GENERAL GOVERNMENTAL SERVICES (FISCAL IMPACT: In each and every task order, the County would quote a fee that covers all time and material costs to perform the identified work)**

Please watch the video stream available on the County's website to view the full discussion.

<https://beaufortcountysc.new.swagit.com/videos/273985?ts=3533>

**Motion:** It was moved by Council Member Howard, seconded by Council Member Tabernik, to approve a resolution to enter into an Intergovernmental Support Agreement (IGSA) with the Department of Defense to support operations at the Marine Corps Recruit Depot Parris Island (MCRD Parris Island), the Marine Corps Air Station (MCAS) and the Naval Hospital by providing general governmental services.

**Discussion:** Council Member Glover noted that he supports the IGSA as long as the agreement does not interfere with the work done for the County's citizens. Vice-Chairman McElynn replied that the Council had already discussed that the IGSA would not interfere with the work performed for the County's citizens and that additional staff would be hired if needed.

**The Vote** – The motion was approved without objection.

20. **APPROVAL OF A RESOLUTION FOR AN ADDENDUM TO A 2020 MEMORANDUM OF UNDERSTANDING (MOU) WITH THE TOWN OF HILTON HEAD FOR THE ST. JAMES BAPTIST CHURCH RELOCATION PROJECT (FISCAL IMPACT: As part of the original MOU, both the Town and County deposited \$150,000 each, totaling \$300,000, into an account to share in the costs to prepare all of the preliminary documentation and studies necessary to secure FAA grant funding for the relocation of the Church and School. To date, there are still sufficient funds in the account for the expected expenses, and no additional funding is required by this Addendum)**

**Motion:** It was moved by Council Member Glover, seconded by Council Member Cunningham, to approve a resolution for an addendum to a 2020 Memorandum of Understanding (MOU) with the Town of Hilton Head for the St. James Baptist Church Relocation Project.

**The Vote** – The motion was approved without objection.

21. **APPROVAL OF A RESOLUTION AUTHORIZING THE INTERIM ADMINISTRATOR TO ENTER INTO A MOA BETWEEN BEAUFORT COUNTY AND THE CITY OF BEAUFORT TO EXPLORE THE FEASIBILITY OF CO-LOCATING MUNICIPAL FIRE SERVICE AND COUNTY EMS (FISCAL IMPACT: Funds in the amount of \$25,000+/- are allocated to the building of a new EMS station in the CIP budget Account #10401230-54420. The balance is \$1.5 Million)**

**Motion:** It was moved by Council Member Tabernik, seconded by Council Member Cunningham, to approve a resolution authorizing the Interim Administrator to enter into a MOA between Beaufort County and the City of Beaufort to explore the feasibility of co-locating Municipal Fire Service and County EMS.

**The Vote** – The motion was approved without objection.

22. **CITIZEN COMMENT PERIOD**

Please watch the video stream available on the County's website to view the full comment.

<https://beaufortcountysc.new.swagit.com/videos/273985?ts=3721>

1. Sallie Ann Robins
2. Yvonne Wilson

3. Beth McIntyre

4. Arnold L Brown

**23. EXECUTIVE SESSION**

**PURSUANT TO S. C. CODE §30-4-70(A)(2): RECEIPT OF LEGAL ADVICE WHERE THE LEGAL ADVICE RELATES TO MATTERS COVERED BY THE ATTORNEY-CLIENT PRIVILEGE (REVIEW OF REZONING REQUESTS UNDER THE COMMUNITY DEVELOPMENT CODE)**

**PURSUANT TO S. C. CODE SECTION 30-4-70(A)(2) TO RECEIVE LEGAL ADVICE WHERE THE ADVICE RELATES TO PENDING LITIGATION (PERSONNEL EMPLOYMENT LITIGATION)**

**PURSUANT TO S. C. CODE SECTION 30-4-70(A)(2) TO RECEIVE LEGAL ADVICE WHERE THE ADVICE RELATES TO POTENTIAL LITIGATION (NOTICE OF POTENTIAL ACTION)**

**PURSUANT TO S.C. CODE SECTION 30-4-70 (A)(1) TO RECEIVE LEGAL ADVICE WHERE THE ADVICE RELATES TO EMPLOYMENT, APPOINTMENT, COMPENSATION, PROMOTION, DEMOTION, DISCIPLINE, OR RELEASE OF A PERSON REGULATED BY A PUBLIC BODY**

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

**The Vote** – The motion was approved without objection.

The Council was in executive session from 6:26 p.m. to 7:48 p.m.

**24. MATTERS ARISING OUT OF EXECUTIVE SESSION**

No matters arose out of the executive session.

**25. ADJOURNMENT**

Adjourned: 7:48 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY



BY: \_\_\_\_\_

Joseph F. Passiment, Jr., Chairman

ATTEST:



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Sarah W. Brock, Clerk to Council

Ratified: December 11, 2023