



County Council Meeting Beaufort County, SC

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

Monday, January 24, 2022
6:00 PM

MINUTES

1. **CALL TO ORDER**

Chairman Passiment called the meeting to order at or around 6:00 PM.

PRESENT

Chairman Joseph F. Passiment
Vice-Chairman D. Paul Sommerville
Council Member Logan Cunningham
Council Member Gerald Dawson
Council Member Brian Flewelling
Council Member York Glover
Council Member Chris Hervochon
Council Member Alice Howard
Council Member Mark Lawson
Council Member Lawrence McElynn
Council Member Stu Rodman

2. **PLEDGE OF ALLEGIANCE AND INVOCATION**

Council Member Dawson led the Pledge of Allegiance and Invocation.

3. **FOIA**

Chairman Passiment stated that this meeting has 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 Rodman, Seconded by Council Member Howard to amend the agenda to delete item number 14.

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

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

The Vote: The motion was approved without objection.

5. **APPROVAL OF MINUTES**

Motion: It was moved by Council Member Lawson, Seconded by Council Member Cunningham to approve the minutes of October 25, 2021, and November 8, 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/153563>

7. CITIZEN COMMENTS

Mike McDonald provided a statement of opposition towards the newly passed \$9,535 impact fee.

To see the full comment, click the link below.

<https://beaufortcountysc.new.swagit.com/videos/153563>

8. LIASION AND COMMITTEE REPORTS

Council Member Rodman: Public Facilities consent agenda items.

Council Member Sommerville: Executive Committee consent agenda item.

To see the full discussion, click the link below.

<https://beaufortcountysc.new.swagit.com/videos/153563>

9. APPROVAL OF CONSENT AGENDA

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

The Vote: The motion was approved without objection.

10. MATTERS ARISING OUT OF THE CAUCUS EXECUTIVE SESSION

Item #1

Motion: It was moved by Council Member Sommerville, Seconded by Council Member Cunningham to approve a proposed South Carolina Opioid Settlement Allocation Agreement with the Attorney General and authorize the County Administrator to execute any and all documents which are necessary 1) to continue and to finalize negotiations relative to a South Carolina Opioid Settlement Allocation Agreement, and 2) for the County to participate in settlement between the County and certain defendants named in case number 2018-CP-07-01245, including McKesson Corporation, Cardinal Health Inc., and AmerisourceBergen Corporation, collectively the distributors, and Johnson and Johnson, Janssen Pharmaceuticals Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica Inc., collectively Janssen, provided the terms of such settlement are substantially the same as the terms which were explained to Council today in executive session.

The Vote: The motion was approved without objection.

Item #2

Motion: It was moved by Council Member Howard, Seconded by Second Member Sommerville to approve a resolution to extend until March 16th, 2022 the prescribed time to apply for the Special Property Tax Assessment Ratio for tax year 2021, and that it authorize and instruct the county government, its agents and representatives, to weigh to the fullest extent possible any and all adverse financial consequences, which could apply to such taxpayers, and to allow these taxpayers 30 days from the date on which a determination is made on their application to pay their taxes.

The Vote: The motion was approved without objection.

11. PRESENTATION AND PUBLIC HEARING OF THE 2022 COMMUNITY DEVELOPMENT BLOCK GRANT (CBDG)- LOWCOUNTRY COUNCIL OF GOVERNMENTS, MICHELLE KNIGHT.

Michelle Knight of the Lowcountry Council of Governments brief Council on the Community Development Block Grant projects and priorities for Beaufort County.

To see the full presentation, please click the link below.

<https://beaufortcountysc.new.swagit.com/videos/153563>

12. SECOND READING OF AN ORDINANCE AMENDING THE FY 2022 GENERAL FUND BUDGET (GRAVES ROAD)

Motion: It was moved by Council Member Cunningham, Seconded by Council Member Rodman to approve the second reading of an Ordinance amending the fiscal year 2022 General Fund for Graves Road.

Discussion: Council Member Howard commented on her support for the ordinance.

Council Member Sommerville commented on his opposition to the ordinance.

Council Member Glover commented on his opposition to the ordinance.

Council Member Flewelling commented on his support for the ordinance but referenced aspects of funding he would like Council to consider given the extra money in the budget.

Council Member Dawson commented on his opposition to the ordinance, and his lack of support for the chosen funding mechanism.

Council Member Lawson commented on his support for the ordinance and referenced that it was a previously made Council commitment.

To see the full discussion, please click the link below.

<https://beaufortcountysc.new.swagit.com/videos/153563>

The Vote: Voting Yea: Chairman Passiment, Council Member Hervochon, Council Member Rodman, Council Member Howard, Council Member Lawson, Council Member McElynn, Council Member Flewelling, and Council Member Cunningham. Voting Nay: Vice Chairman Sommerville and Council Member Dawson. Voting Abstaining: Council Member Glover. The motion passed 8:2:1.

13. SECOND READING OF AN ORDINANCE AMENDING THE FY 2022 GENERAL FUND BUDGET TO PURCHASE THE BCSO DOWLING LOTS

Motion: It was moved by Council Member Sommerville, Seconded by Council Member Howard to approve the second reading of an Ordinance amending the fiscal year 2022 General Fund budget to purchase the BCSO Dowling Lots.

Discussion: Council Members Cunningham and Hervochon voiced objections to the motion.

The 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, and Council Member Flewelling. Voting Nay: Council Member Hervochon and Council Member Cunningham. The motion passed 9:2.

14. SECOND READING OF AN ORDINANCE AMENDING THE FY 2022 GENERAL FUND BUDGET TO PROVIDE FOR ADDITIONAL APPROPRIATION ALLOCATING \$83,198.15 TO THE BEAUFORT COUNTY PUBLIC DEFENDER'S OFFICE (Fiscal Impact: An additional appropriation of \$83,198.15)

This item was removed from the agenda. Please see item number 4.

15. FIRST READING OF AN ORDINANCE TO AMEND ARTICLE IX. GOVERNMENT-OWNED PROPERTY AND FACILITIES, DIVISION 2. RESTRICTED ACCESS

Motion: It was moved by Council Member Sommerville, Seconded by Council Member Flewelling that County Council amend Article IX. Government-Owned Property and Facilities, Division 2 of the Beaufort County Code of Ordinances to include a new section, Section 2-675 Camping Prohibited, as set forth in today's agenda materials.

The Vote: The motion was approved without objection.

16. FIRST READING OF AN ORDINANCE AMENDING THE 2020 BUSINESS LICENSE ORDINANCE

Motion: It was moved by Council Member Flewelling, Seconded by Council Member Dawson that County Council amend Article 3 Section 2 of the 2020 Business License Tax Ordinance, so that the definition of business means any business calling, occupation, profession or activity engaged in with the object of gaining benefit or advantage, either directly or indirectly; in addition to the above described activities constituting doing business in the county, an individual shall be deemed to be in business if that individual owns and rents two or more residential units or holds a partial interest therein within the county, excluding the municipalities therein; this applies to long term residents of thirty days or more only.

The Vote: The motion was approved without objection.

17. AN ORDINANCE APPROVING THE CONVEYANCE OF PORTIONS OF THE RIGHT OF WAY KNOWN AS BOSTICK ROAD AND AUTHORIZES THE COUNTY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS

Motion: It was moved by Council Member Flewelling, Seconded by Council Member Glover to approve an Ordinance approving the conveyance of portions of the right-of-way known as Bostick Road and authorizes the County Administrator to execute the necessary documents.

The Vote: The motion was approved without objection.

18. FIRST READING OF AN ORDINANCE APPROPRIATING FUNDS FROM ACCOMMODATIONS TAX FUND BASED ON RECOMMENDATIONS FROM THE ACCOMMODATIONS TAX (STATE 2%) BOARD TO TOURISM RELATED ORGANIZATIONS IN THE AMOUNT OF \$800,000

Motion: It was moved by Council Member Howard, Seconded by Council Member Sommerville to approve the first reading of an Ordinance appropriating the funds from the Accommodations Tax Fund based upon recommendations from the Accommodations Tax State 2% Board to tourism-related organizations in the amount of \$800,000.

The Vote: The motion was approved without objection.

19. FIRST READING OF AN ORDINANCE AMENDING THE 2021-2022 BUDGET ORDINANCE TO APPROVE THE FUNDING OF THE BOUNDARY STREET TENNIS COURTS PROJECT, AND TO MAKE APPROPRIATIONS THEREFORE

Motion: It was moved by Council Member Sommerville, Seconded by Council Member Flewelling to approve the first reading of an Ordinance amending the 2021-2022 Budget Ordinance to approve the funding of the Boundary Street Tennis Courts Project, and to make appropriations therefore.

Discussion: Assistant County Administrator for Engineering, Jared Fralix, requested that the motion include the recommendation of first reading and the recommendation of award for the IFB #112221 Boundary Street Tennis Courts.

Motion to Amend: It was moved by Council Member Sommerville, Seconded by Council Member Flewelling to amend the previous motion to incorporate language about the recommendation of award.

The Vote: The motion was approved as amended without objection.

20. A RESOLUTION TO ACCEPT 2022 PALMETTO PRIDE LITTER CREW GRANT AWARD

Motion: It was moved by Council Member Lawson, Seconded by Council Member Howard to approve a resolution to accept the 2022 Palmetto Pride Litter Crew Grant Award.

Discussion: Council Member Sommerville commented on his hope that Council will continue to consider adding litter crews from ARPA, A-Tax and H-Tax funds.

The Vote: The motion was approved without objection.

21. A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS FOR THE ACCEPTANCE OF PROPERTIES ENCUMBERING THE ROAD RIGHT OF WAY FOR SCHOOL ROAD

Motion: It was moved by Council Member Glover, Seconded by Council Member Flewelling to approve a resolution authorizing the County Administrator to execute any and all necessary documents for the acceptance of properties encumbering the road right-of-way for School Road.

The Vote: The motion was approved without objection.

22. A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS FOR THE ACCEPTANCE OF PROPERTIES ENCUMBERING THE ROAD RIGHT OF WAY FOR CHURCH ROAD

Motion: It was moved by Council Member Glover, Seconded by Council Member Flewelling to approve a resolution authorizing the County Administrator to execute any and all necessary documents for the acceptance of properties encumbering the road right-of-way for Church Road.

The Vote: The motion was approved without objection.

23. A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS FOR THE ACCEPTANCE OF PROPERTIES ENCUMBERING THE ROAD RIGHT OF WAY FOR FRANCES JONES BLVD

Motion: It was moved by Council Member Glover, Seconded by Council Member Flewelling to approve a resolution authorizing the County Administrator to execute any and all necessary documents for the acceptance of properties encumbering the road right-of-way for Frances Jones Boulevard.

The Vote: The motion was approved without objection.

24. RESOLUTION EXTENDING THE PRESCRIBED TIME TO APPLY FOR THE SPECIAL PROPERTY TAX ASSESSMENT RATIO

Item was approved with motion for matters arising out of the Caucus Executive Session. Please see item number 10.

25. A RESOLUTION CREATING A CITIZENS ADVISORY COMMITTEE TO RECOMMEND POSSIBLE 2022 TRANSPORTATION SALES TAX PROJECT LIST AND/OR VALUE/ DURATION LIMITATION

Motion: It was moved by Council Member Howard, Seconded by Council Member Glover to approve a resolution creating a Citizen's Advisory Committee to recommend possible 2022 transportation sales tax project list an/or value duration limitation.

Discussion: Chairman Passiment referenced items listed in the resolution's attached documentation, which included a requirement that Committee appointments be communicated to the Council Chairman by a certain date. He then opened the floor for discussion on the submission date.

Council Member Cunningham commented on the April 29th deadline date referenced in the documentation, and gained confirmation that the Committee has to be created before that date.

Council Member Howard proposed Friday, February 11th as the submission date.

Council Member Sommerville expressed his support for Council Member Howard's proposed date.

Council Member Dawson voiced his objection to the motion and commented on his preference to push the decision about the resolution to 2024, given the failure of previous referendums.

Council Member Glover asked Council Member Dawson if he would still submit a name if the resolution was passed. Council Member Dawson confirmed that he would still submit a name.

Chairman Passiment confirmed February 11th as the date to submit an appointee name. There was no objection made to this statement.

Chairman Passiment made a statement as to why the Beaufort County Transportation Advisory Group was not in this original resolution, as well as the importance of public input.

Council Member Rodman stated that he is in support of a Citizen's Advisory Committee but voiced his opposition to the proposal due to the difficulty of a referendum given the short time period and the sequential nature of the proposed tasks. Council Member Rodman provided alternative suggestions to the proposal and referenced the benefits of a longer-term option to allow for the initiation of more projects and the ability to pay for those projects over an extended period of time, of staff recommendations provided at an earlier date, and of parallel discussions by the Citizen's Advisory Committee, the Beaufort County Transportation Advisory Group, and County Council.

Council Member Sommerville made comments on the value of a penny in Beaufort County, the benefit of the sales tax in terms of revenue collection from tourists, and the possible use of part of the penny tax funds for land preservation purposes if the sales tax referendum passes.

Council Member Cunningham commented on issues with the previous referendum, his support of the resolution and hope for expediency, his negative stance toward 5B, and preference for a shorter timeline.

Council Members Howard and Glover commented on accident occurrences and impacts.

To see the full discussion, please click the link below.

<https://beaufortcountysc.new.swagit.com/videos/153563>

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

26. **CITIZEN COMMENTS**

Joe Mac provided comments on the poor conditions of the Boundary Street tennis courts and other recreation concerns.

To see the full comment, please click the link below.

<https://beaufortcountysc.new.swagit.com/videos/153563>

27. **ADJOURNMENT**

Adjournment at 7:25 PM.

COUNTY COUNCIL OF BEAUFORT COUNTY

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

ATTEST:

Sarah W. Brock, Clerk to Council

Ratified: