



County Council Meeting Beaufort County, SC

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

Monday, January 13, 2025
6:00 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/325569>

1. CALL TO ORDER

Chair Howard called the meeting to order at 6:00PM

PRESENT

Chair Alice Howard
Vice-Chair Anna Maria Tabernik
Council Member David P. Bartholomew
Council Member Paula Brown
Council Member Logan Cunningham
Council Member Gerald Dawson
Council Member York Glover
Council Member Lawrence McElynn
Council Member Joseph F. Passiment (virtual)
Council Member Thomas Reitz

ABSENT

Council Member Mark Lawson

2. PLEDGE OF ALLEGIANCE AND INVOCATION

Chair Howard led the Pledge of Allegiance and gave the Invocation.

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

Chair Howard stated that public notice of this meeting had been given in compliance with FOIA.

4. APPROVAL OF AGENDA

Motion: made by Council Member Brown, Seconded by Council Member Dawson to approve the agenda.

The Vote - Voting Yea: Chair Howard, Vice-Chair Tabernik, Council Member Bartholomew, Council Member Brown, Council Member Cunningham, Council Member Dawson, Council Member Glover, Council Member McElynn, Council Member Passiment, and Council Member Reitz. The motion passed.

5. PROCLAMATION RECOGNIZING MEDICOLEGAL DEATH INVESTIGATION PROFESSIONALS' WEEK

Vice-Chair Tabernik presented a proclamation to the Beaufort County Coroner's office recognizing Medicolegal Death Investigation Professionals Week.

6. ADMINISTRATOR'S REPORT

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

<https://beaufortcountysc.new.swagit.com/videos/325569>

7. COMMITTEE REPORTS

Chair Howard announced the 2025 and 2026 County Council Committee Assignments.

8. PUBLIC COMMENT PERIOD

Citizen comments were taken.

9. THIRD READING OF AN ORDINANCE AMENDING BUDGET ORDINANCE 2024/25, TO REFLECT THE APPROVAL OF USE OF GENERAL FUND -FUND BALANCE FOR \$3,300,000 FOR FLEET SERVICES VEHICLE AND EQUIPMENT PURCHASES.

Motion: made by Council Member Cunningham, Seconded by Council Member Glover to approve the third reading of an ordinance amending budget ordinance 2024/25 to reflect the approval of the use of general fund fund balance for \$3,300,000 for fleet services vehicle and equipment purchases.

The Vote - Voting Yea: Chair Howard, Vice-Chair Tabernik, Council Member Bartholomew, Council Member Brown, Council Member Cunningham, Council Member Dawson, Council Member Glover, Council Member McElynn, Council Member Passiment, and Council Member Reitz. The motion passed.

10. SECOND READING OF AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE (CDC): SECTION A.6.40 (PERMITTED ACTIVITIES) TO ALLOW LODGING: SHORT-TERM HOUSING RENTAL (STHR) IN DALE COMMUNITY PRESERVATION DISTRICT (DCP) AND SECTION A.7.40 (PERMITTED ACTIVITIES) TO ALLOW LODGING: SHORT-TERM HOUSING RENTAL (STHR) IN DALE MIXED USE DISTRICT (DMU)

Motion: It was moved by Council Member Glover, Seconded by Council Member Cunningham to approve public hearing and second reading of an ordinance amending the community development code (CDC): section A.6.40 (permitted activities) to allow lodging: Short-Term Housing Rental (STHR) in Dale Community Preservation District (DCP) and Section A.7.40 (Permitted Activities) to allow Lodging: Short Term Housing (STHR) in Dale Mixed Use District (DMU).

The Vote - Voting Yea: Chair Howard, Vice-Chair Tabernik, Council Member Bartholomew, Council Member Brown, Council Member Cunningham, Council Member Dawson, Council Member Glover, Council Member McElynn, Council Member Passiment, and Council Member Reitz. The motion passed.

11. SECOND READING OF AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS FOR THE ACCEPTANCE OF RIGHT-OF-WAY OR TEMPORARY CONSTRUCTION EASEMENTS ON REAL PROPERTY ASSOCIATED WITH THE STUART POINT ROAD SIDEWALK PROJECT

Motion: It was moved by Council Member Brown, Seconded by Council Member Glover to approve public hearing and second reading of an ordinance authorizing the county administrator to execute any and all

necessary documents for the acceptance of Right of Way or temporary construction easements on real property associated with the Stuart Point Road Sidewalk Project.

The Vote - Voting Yea: Chair Howard, Vice-Chair Tabernik, Council Member Bartholomew, Council Member Brown, Council Member Cunningham, Council Member Dawson, Council Member Glover, Council Member McElynn, Council Member Passiment, and Council Member Reitz. The motion passed.

12. SECOND READING OF AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO ENTER INTO A LEASE AGREEMENT WITH MITCHELVILLE PRESERVATION PROJECT, INC. FOR SUITE 134 AND SUITE 142 OF THE COUNTY-OWNED OFFICE BUILDING LOCATED AT 539 WILLIAM HILTON PARKWAY ON HILTON HEAD ISLAND

Motion: It was moved by Council Member Reitz, Seconded by Council Member Glover to approve public hearing and second reading of an ordinance authorizing the county administrator to enter into a lease agreement with Mitchelville Preservation Project, Inc. for suite 134 and suite 142 of the County-Owned Office Building located at 539 William Hilton Parkway on Hilton Head Island.

The Vote - Voting Yea: Chair Howard, Vice-Chair Tabernik, Council Member Bartholomew, Council Member Brown, Council Member Cunningham, Council Member Dawson, Council Member Glover, Council Member McElynn, Council Member Passiment, and Council Member Reitz. The motion passed.

13. SECOND READING OF AN ORDINANCE TO INVEST \$4,300,000 FROM THE GENERAL FUND - FUND BALANCE IN AN INFRASTRUCTURE DEVELOPMENT PROJECT AT BEAUFORT EXECUTIVE AIRPORT (ARW) TO FUND CONSTRUCTION OF AIRCRAFT HANGERS

Motion: It was moved by Council Member Bartholomew, Seconded by Council Member Cunningham to postpone public hearing and second reading of an ordinance to invest \$4,300,000 from the General Fund - Fund Balance in an infrastructure development project at Beaufort Executive Airport (ARW) to fund construction of aircraft hangers.

The Vote - Voting Yea: Chair Howard, Vice-Chair Tabernik, Council Member Bartholomew, Council Member Brown, Council Member Cunningham, Council Member Dawson, Council Member Glover, Council Member Passiment, and Council Member Reitz. **Voting Nay:** Council Member McElynn. The motion passed 9:1.

14. FIRST READING OF AN ORDINANCE PLACING LAND PURCHASED BY PROJECT MICRO INTO AN EXISTING MULTI-COUNTY INDUSTRIAL PARK

Motion: It was moved by Council Member Dawson, Seconded by Council Member Glover, to approve first reading of an ordinance placing land purchased by Project Micro into an existing multi-county industrial park agreement.

The Vote - Voting Yea: Chair Howard, Vice-Chair Tabernik, Council Member Bartholomew, Council Member Brown, Council Member Cunningham, Council Member Dawson, Council Member Glover, Council Member McElynn, Council Member Passiment, and Council Member Reitz. The motion passed.

15. FIRST READING OF AN ORDINANCE FOR BEAUFORT COUNTY TO ENTER INTO A SPECIAL SOURCE REVENUE CREDIT AGREEMENT WITH PROJECT MICRO

Motion: It was moved by Council Member Dawson, Seconded by Council Member Cunningham to approve first reading of an ordinance for Beaufort County to enter into a special source revenue credit agreement with Project Micro.

The Vote - Voting Yea: Chair Howard, Vice-Chair Tabernik, Council Member Bartholomew, Council Member Brown, Council Member Cunningham, Council Member Dawson, Council Member Glover, Council Member McElynn, Council Member Passiment, and Council Member Reitz. The motion passed.

16. EXECUTIVE SESSION

Motion: It was moved by Council Member Cunningham, Seconded by Vice-Chair Tabernik to go into executive session for the following reasons:

- *Pursuant To S.C. Code Section 30-4-70(A)(2) receipt of legal advice where the legal advice relates to pending litigation (Beaufort County V Mashburn Et Al [Buckwalter Rec Center])*
- *Pursuant To S.C. Code Section 30-4-70(A)(2) receipt of legal advice where the legal advice relates to pending litigation (Beaufort County Et Al V Airbnb [short-term rental and business license litigation])*
- *Pursuant To S.C. Code Section 30-4-70(A)(2) receipt of legal advice where the legal advice relates to pending litigation (Beaufort County V David Coleman)*
- *Pursuant To S.C. Code Section 30-4-70(A)(2) receipt of legal advice where the legal advice relates to matters covered by the attorney-client privilege (discussion related to privileged communications by county attorneys with staff and council)*

The Vote – Motion was approved without objection.

17. MATTERS ARISING OUT OF EXECUTIVE SESSION

Motion: It was moved by Council Member McElynn, Seconded by Council Member Dawson that council accept the settlement offer and authorize the county administrator to execute a settlement agreement and the amount discussed in executive session to settle a lawsuit against Airbnb for their failure to collect and remit local accommodations, taxes and business license fees related to short term rentals in rural Beaufort County and that the pro-rated amounts that Beaufort County receives be apportioned and distributed as follows: 90% to local A-Tax and deposited into the local tax account and 10% to the business license fees and deposited into the general fund.

The Vote – Motion passed without objection.

Motion: It was moved by Council Member Cunningham, Seconded by Council Member Bartholomew that council accept the offer by our outside counsel Thurmond, Kirchner, & Timbes, PA to amend our fee agreement and authorize the county administrator to execute the amended fee agreement as it relates to the lawsuit against Airbnb for their failure to collect and remit local accommodations taxes and business license fees related to short term rentals in rural Beaufort County.

The Vote – Motion passed without objection.

Motion: It was moved by Council Member Bartholomew, Seconded by Vice-Chair Tabernik that council waive their attorney-client privilege for legal advice received in email communications between June 2021 and August 2023 from our county attorneys and/or retained attorneys to county administration, Council or both with the exception of matters that involve active litigation or matters that involve mediation or settlement negotiations and that all of these communications be provided to the state ethics commission pursuant to the subpoenas dated February 27, 2024 and their renewed request in December 2024.

The Vote – Motion was approved without objection.

18. ADJOURNMENT

COUNTY COUNCIL OF BEAUFORT COUNTY

Alice G. Howard

BY: _____

Alice G. Howard, Chairman

ATTEST:

Sarah W. Brock

Sarah W. Brock, Clerk to Council

Ratified: March 10, 2025