



**County Council of
Beaufort County
Special Called Meeting
of County Council**

Chairman
Joseph F. Passiment, JR.

Vice Chairman
D. Paul Sommerville

Council Members
Michael E. Covert
Gerald Dawson
Brian E. Flewelling
York Glover, Sr.
Chris Hervochon
Alice G. Howard
Mark Lawson
Lawrence P. McElynn
Stu Rodman

County Administrator
Ashley M. Jacobs

Clerk to Council
Sarah W. Brock

Administration Building
Beaufort County Government
Robert Smalls Complex
100 Ribaut Road

Contact
Post Office Drawer 1228
Beaufort, South Carolina 29901-1228
(843) 255-2180
www.beaufortcountysc.gov

Special Called Meeting of County Council Minutes

Monday, August 24, 2020 at 6:00 PM

Virtual Meeting

CALL TO ORDER

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

PRESENT

Chairman Passiment
Vice Chairman Sommerville
Council Member Hervochon
Council Member Covert
Council Member Dawson
Council Member Rodman
Council Member Glover
Council Member Howard
Council Member McElynn
Council Member Flewelling
Council Member Lawson

PLEDGE OF ALLEGIANCE

Council Member Rodman led the Pledge of Allegiance.
Moment of Silence for the passing of Beaufort County Employee Deja Jackson

FOIA

Chairman Passiment noted that the Public Notification of this meeting has been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act.

APPROVAL OF AGENDA

Motion: It was moved by Council Member Flewelling, seconded by Council Member Sommerville to approve the agenda. The vote: Unanimous without objection. The motion passed. 11:0

EXECUTIVE SESSION

Motion: It was moved by Vice Chairman Sommerville, seconded by Council Member Glover to go into Executive Session for receipt of legal advice relating to pending potential claims covered by the attorney-client privilege. S.C. Code Section 30-4-7 (a)(2). The Vote: Unanimous without objection. The motion passed. 11:0

No action coming from Executive Session.

CITIZEN COMMENTS

Council Member Covert read Facebook Comments:

Ann Bubelous- Businesses and other establishments denying access due to not wearing a mask because of health reasons is a violation of the Disability Act and HIPPA. Ask to amend the wording to use “suggest” wearing a mask.

Iris- Request not to extend the mask ordinance.

Google document with comments was provided and shown on the screen live. The vast majority of the comments was to not extend the mask ordinance.

ACTION ITEMS

Third reading of an Ordinance to impose a Beaufort County Uniform Law Enforcement Charge for the Town of Hilton Head Island.

Discussion:

Council Member Flewelling stated that it is clear that Hilton Head is not living up to its obligation to provide reimbursement to the County for the implementation of Law Enforcement based on the engineering study by TischlerBise. The citizens of Beaufort County are owed some money because they are subsidizing the cost of law enforcement for the citizens of Hilton Head. This needs to be done soon to implement the fee on the tax bill and it is important to approve it tonight.

Council Member Lawson wanted to point out that the Council is not doing this for revenge or for political reasons. The Town of Hilton Head made a business decision not to pay the fee that they have paid for years. They are legally and morally obligated to pay.

Council Member Rodman suggested that Council waits to see if there can be an agreement.

Motion: It was moved by Council Member Rodman, seconded by Council Member McElynn to postpone third and final reading until the September 4, 2020 meeting. The Votes: Yea: Council Member Rodman, Council Member McElynn. Voting Nay: Chairman Passiment, Vice Chair Sommerville, Council Member Covert, Council Member Glover, Council Member Hervochon, Council Member Howard, Council Member Lawson, Council Member Dawson, Council Member Flewelling. The motion failed. 2:9

Council Member Hervochon stated that you can't have a contract without consideration and this has been an Ordinance since 1983 to engage the County for police services with the Sheriff. It was \$4.4 Million for services, the County came back with a lower offer and Hilton Head said no. Hilton Head has already collected this money from their constituents and what they are doing with the money collects, we didn't get a great answer on that. The residents of Hilton Head need to understand that this money was already collected and this isn't something the County wanted to do.

Main Motion: It was moved by Council Member Hervochon, seconded by Council Member Flewelling to approve an Ordinance to impose a Beaufort County Uniform Law Enforcement Service Charge for the Town of Hilton Head Island. The Votes: Yea: Chairman Passiment, Vice Chairman Sommerville, Council Member Covert, Council Member Glover, Council Member Hervochon, Council Member Howard, Council Member Lawson, Council Member Dawson, Council Member Flewelling. Nay: Council Member Rodman, Council Member McElynn. The motion passed. 9:2.

Consideration of an Ordinance extending the effect of Emergency Ordinance 2020/03 requiring Face Coverings.

Discussion:

Council Member Flewelling stated that wearing a mask should be left to each individual. People should be wearing face coverings, it is the polite thing to do and the right thing to do when social distancing can't be met but it is inappropriate for it to be mandated by the government.

Council Member Hervochoch mentioned that before he was for this Ordinance. This has been a struggle and a really big and difficult decision and thing that the Council needs to look at the ethics of what they are doing and if it is working. He also stated that he has asked for data and based on the data that was available he has a hard time believing that it was working.

Council Member Glover stated that the data is not readily available nor consistent. The trend is coming down and the testing has stopped. He is holding fast on moving forward because the science behind it states that masking helps and Council is doing the right thing.

Council Member McElynn said that he has seen statistics were other jurisdictions have mask ordinances in place and have seen a decrease and other jurisdictions that don't have a mask ordinance has seen an increase.

Council Member Covert stated that the governments should not penalize the majority by protecting the vulnerable. Politicizing public health measures and implementing mandates violate individual liberty rights. People feel like they are having their individual rights taken away. The public and business owners have a right to think for themselves.

Council Member Rodman mentioned that this Ordinance applies when you go into a public building or where social distancing isn't available. It is reasonable to wear a mask in enclosed spaces.

Council Member Hervochoch asked when is the demarcation or time line to take this off.

Chairman Passiment stated that no one knows yet, there is too much inconsistency. What the Council does want is uniformity in the county and the municipalities have a mask ordinance.

Council Member Lawson recommended is to shorten it from 60 days and go by meeting to meeting.

Motion to amend: It was moved by Council Member Lawson, seconded by Council Member Flewelling to amend and shorten the 60-day ordinance to extend until September 28, 2020 instead of October 23, 2020. The Vote: Yea: Council Member Rodman, Council Member Lawson, Council Member Flewelling. Nay: Chairman Passiment, Vice Chairman Sommerville, Council Member Covert, Council Member Glover, Council Member Hervochoch, Council Member Howard, Council Member McElynn, Council Member Dawson. The motion failed. 3:8.

Main Motion: It was moved by Council Member McElynn, seconded by Council Member Howard to approve an Ordinance extending the effect of Emergency Ordinance 2020/03 Requiring Face Coverings. The Vote: Yea: Chairman Passiment, Vice Chairman Sommerville, Council Member Glover, Council Member Rodman, Council Member Howard, Council Member Lawson, Council Member McElynn, Council Member Dawson. Nay: Council Member Covert, Council Member Hervochoch, Council Member Flewelling. The motion passed. 8:3.

ADJOURNMENT

The meeting adjourned at 7:12 pm.

Ratified by Council: October 12, 2020