



**County Council of  
Beaufort County  
County Council Meeting**

**Chairman**

Joseph F. Passiment, JR.

**Vice Chairman**

D. Paul Sommerville

**Council Members**

Michael E. Covert  
Gerald Dawson  
Brian E. Flewelling  
York Glover, SR.  
Chris Hervocho  
Alice G. Howard  
Mark Lawson  
Lawrence P. McElynn  
Stu Rodman

**Acting County Administrator**

Ashley Jacobs

**Clerk to Council**

Sarah W. Brock

**Administration Building**

Robert Smalls Complex  
100 Ribaut Road

**Contact**

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# County Council Agenda

## County Council of Beaufort County

**Monday, October 12, 2020 at 6:00 PM**

[This meeting is being held virtually in accordance with Beaufort County Resolution 2020-05]

### CALLED TO ORDER

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

### PRESENT

Chairman Joseph F. Passiment  
Vice Chairman D. Paul Sommerville  
Council Member Michael Covert  
Council Member Gerald Dawson  
Council Member Brian Flewelling  
Council Member York Glover  
Council Member Stu Rodman  
Council Member Chris Hervocho  
Council Member Alice Howard  
Council Member Mark Lawson  
Council Member Lawrence McElynn

### PLEDGE OF ALLEGIANCE AND INVOCATION

Council Member Glover, led the Pledge of Allegiance and gave the Invocation.

There was a moment of silence for Deacon James Garfield Smalls who passed away October 11, 2020, at the age of 100.

### 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 Glover to have item 13 removed from the agenda. The motion was approved without objection 11:0.

**Motion:** It was moved by Council Member Flewelling, seconded by Council Member Glover to approve the amended agenda. The motion was approved without objection. 11:0

### APPROVAL OF MINUTES

**Motion:** It was moved by Council Member Flewelling, seconded by Council Member Howard to approve the minutes from August 17, 2020, and August 24, 2020. The motion was approved without objection. 11:0

## **PROCLAMATION PRESENTED TO YOUNG MARINES**

Council Member McElynn presented a Proclamation to the Young Marines for Red Ribbon Week.

## **PRESENTATION OF A PROCLAMATION RECOGNIZING THE BEAUFORT COUNTY ALCOHOL AND DRUG ABUSE PREVENTION DEPARTMENT**

Council Member McElynn presented a Proclamation to the Beaufort County Alcohol and Drug Abuse Prevention Department for Red Ribbon Week.

## **CITIZEN COMMENT**

*(Every member of the public who is recognized to speak shall limit comments to three minutes - Citizens may email sbrock@bcgov.net, or comment on our Facebook Live stream to participate in Citizen Comment)*

Chairman Passiment read emails. Please view the Public Comments at:

<https://beaufortcountysc.new.swagit.com/videos/87054>

## **COMMITTEE REPORTS**

### **LIAISON AND COMMITTEE REPORTS**

Chairman Passiment spoke regarding voting absentee by mail-in ballot noting that a witnessing signature is now needed. If you have mailed it in without a signature, please contact the Board of Elections.

### **CONSENT AGENDA**

#### **ITEMS ORIGINATING FROM THE COMMUNITY SERVICES COMMITTEE:**

##### **A Resolution to Appropriate \$398,000 from the Community Services Grant Program Funds**

**Motion:** It was moved by Council Member Hervochoch, seconded by Council Member Howard to approve a Resolution to Appropriate \$398,000 from the Community Services Grant Program Funds. This motion was approved without objection. 11:0

##### **A Second Reading of an Ordinance Establishing the Beaufort County Distance Learning Fund and Other Matters Related Thereto**

**Motion:** It was moved by Council Member Hervochoch, seconded by Council Member Howard to approve the Second Reading of an Ordinance Establishing the Beaufort County Distance Learning Fund and Other Matters Related Thereto. This motion was approved without objection. 11:0

#### **ITEMS ORIGINATING FROM THE FINANCE COMMITTEE:**

##### **Second Reading of an Ordinance Regarding Accommodations Tax/Hospitality Tax Reserve Fund**

**Motion:** It was moved by Council Member Hervochoch, seconded by Council Member Howard to approve the Second Reading of an Ordinance Regarding Accommodation Tax/Hospitality Tax Reserve Fund. This motion was approved without objection. 11:0

##### **Second Reading of an Ordinance to Amend Ordinance 2019/56 Penn Center Renovations**

**Motion:** It was moved by Council Member Hervochoch, seconded by Council Member Howard to approve the Second Reading of an Ordinance to Amend Ordinance 2019/56 Penn Center Renovations. This motion was approved without objection. 11:0

#### **ITEMS ORIGINATING FROM THE NATURAL RESOURCES COMMITTEE:**

##### **Fort Freemont Battery National Register Nomination Form Amendment to Include Battery Fornance**

**Motion:** It was moved by Council Member Hervochoch, seconded by Council Member Howard to approve Fort Freemont Battery National Register Nomination Form Amendment to Include Battery Fornance. This motion was approved without objection. 11:0

#### **Resolution Amending Resolution 2019/49 for Public Access and Passive Recreation Projects- Phase II**

**Motion:** It was moved by Council Member Hervochoch, seconded by Council Member Howard to approve the Resolution Amending Resolution 2019/49 for Public Access and Passive Recreation Projects- Phase II. This motion was approved without objection. 11:0

#### **ITEMS ORIGINATING FROM THE PUBLIC FACILITIES COMMITTEE:**

##### **Second Reading of an Ordinance for the Beaufort County Airport (AWR) Hanger Ground Lease Agreement**

**Motion:** It was moved by Council Member Hervochoch, seconded by Council Member Howard to approve the Second Reading of an Ordinance for the Beaufort County Airport (AWR) Hanger Ground Lease Agreement. This motion was approved without objection. 11:0

#### **END OF CONSENT AGENDA**

#### **PUBLIC HEARING AND ACTION ITEMS**

##### **An Emergency Ordinance to Require Individuals to Wear Face Coverings in Certain Circumstances and Locations in the Limits of the County of Beaufort, South Carolina, and Providing for Severability and an Effective Date**

Council Member McElynn provided Council with COVID-19 data throughout, the County, State, Nationally, and Worldwide.

Council Member Flewelling stated that he disagrees that it is incumbent upon the government to mandate any kind of behavior like this and it is time to be done with this.

Council Member Rodman mentioned that the Ordinance pertains to masking inside buildings and leaving it up to the business establishments to decide to service patrons without a mask or not, and maybe that would bridge the gap between the two positions.

Council Member Hervochoch stated that the pandemic is a hard time for everyone and right now we need to be empathetic with each other. There is since on both sides of the issue and it can be argued but Council needs a definitive metric on when we can go back to normal. If this Ordinance fails, it doesn't mean businesses can't require customers a mask.

Council Member Covert stated that he would support Council Member Rodman if he wanted to make that suggestion a motion and it is not proper for the government to be mandating the citizens with this Ordinance. He also quotes the Barrington Document.

Council Member Lawson believes it is about public safety, there are rules in place to protect people and doesn't believe the County is ready for "unmasking".

Council Member Glover stated that he is following the science and the right thing to do is to continue to wear masks until the pandemic has subsided.

**Motion:** It was moved by Council Member McElynn, seconded by Council Member Glover to approve the extension of Emergency Ordinance 2020/03. The Votes: Yea: Chairman Passiment, Vice Chairman Sommerville, Council Member Glover, Council Member Howard, Council Member Lawson, Council Member McElynn, Council Member Dawson. Nay: Council Member Covert, Council Member Hervochoch, Council Member Rodman, Council Member Flewelling. The motion is defeated. 7:4 (2/3 majority vote was needed for Emergency Ordinance to be extended which would require 8 Yea Votes)

##### **First Reading of an Amendment to the 2020-2021 Beaufort County Budget Ordinance**

The original Ordinance 2020/22 had a mathematical error necessitating a correction in Section 2 Millage; Paragraph 1; Sentence 1, the 65.2 mills on the dollar was calculated on the original mills that were proposed that had two digits past the decimal point (hundredth). The County Auditor has billed 5.8 mills for the purchase of real property which is 1 mill higher than the Original 4.8. An analysis of the millage of 4.8, 5.1 and 5.8 mills will be presented. If the 5.1 mill scenario is approved, this will produce additional revenues of approximately \$626,000.00. If the 5.8 mill scenario is approved, this will produce additional revenues of approximately \$2,085,000.00. The council needs to decide on an amended millage rate, and approve the amended Ordinance.

Chairman Passiment stated that in August, the Auditor sent a message to Council that the Rural and Critical Lands were going to change and the reasoning behind the change.

Council Member Sommerville stated that this error cannot be justified as a scrivener's error but yet requires an amendment with three readings and a public hearing.

**Motion:** It was moved by Council Member Sommerville, seconded by County Council Glover to amend the language to correct 65.22 to 64.2 millage rate to be billed as specified mathematically in the original Ordinance.

Council Member Flewelling asked when keeping the revenues neutral where the Rural and Critical Land Bonds included.

Mr. Williams stated yes.

Mr. Beckert, the Auditor, stated that when the Budget Book came out that the debt payment for Rural and Critical land was \$10M. There was a bond that was agreed to be sold in November and finally sold in August and the bond amount from the Attorney was added into the total bond schedule. Looking into the numbers 65.2 was the millage that was to be levied. It increased the debt obligation by 1 mill. The Auditor levied what was in the Ordinance.

County Administrator Ashley Jacobs responded that when the budget book process was started there was no concern of COVID and what impact it would have on the budget. Right now on the tax bill, it is an increase from what Council has approved and according to the Treasure, collections are doing very well. The staff has taken into account what the costs will be for the bond and are planning to use the fund balance to pay all that off. There are adequate revenues to pay for the bond and anything over that is a tax increase.

Mr. Beckert stated that he communicated with Administration regarding the millage increase and never received any questions regarding the change and or concerns that it didn't need to happen. If the levies were not enough, it would have been the Auditor's responsibility.

Council Member Rodman explained that he is concerned that there would not be a tax increase this year, yet what the Auditor is doing is increasing based on a voter-approved by referendum debt therefore, that type of increase is a function of something voters have already approved so it isn't technically an increase. If you separate the two, if the debt is voter-approved we do not have a tax increase.

Mr. Beckert replied yes, that is very well stated.

Council Member Flewelling stated that there isn't a way to back out of this without a substantial delay in tax billing. To keep the process moving along would be to amend the Ordinance.

Council Member Lawson asked the Auditor when did he realize that the final Ordinance was not correct?

Mr. Beckert doesn't recall an exact date but stated that when he received the Ordinance it was 65.22 and the same thing happened in 2019 when the taxing authorities went to that second digits after the decimal, it was dropped.

Mr. Williams stated that was incorrect. The Ordinance from 2019 was to the hundredths.

Council Member Covert asked if the motion on the table will increase taxes compared to what we are voted on?

Chairman Passiment stated that the 65.22 in the paragraph doesn't equal the math figured because it is the prior year's figures and the choice is, does Council keep that language in there and make the two numbers equal and if that happens, is it going to be 65.2 and then is Council going to change Rural and Critical Lands to 5.8 to match the tax mill. or change it to 64.2 and redo all the bills.

Council Member Covert stated that if Council approved something and it was an error, that isn't the citizens' fault, it needs to be corrected.

Mr. Beckert stated that the County Council is not responsible for debt millage, it is the Auditor's responsibility to calculate and levy the millage.

**Motion:** It was moved by Council Member Rodman, seconded Council Member Hervochon to extend the meeting past the 8:00 pm hour. The Vote: Yea: Council Member Rodman, Council Member Hervochon, Council Member McElynn, Council Member Dawson, Council Member Howard, Council Member Lawson, Vice Chairman Sommerville, Chairman Passiment. Nays: Council Member Flewelling, Council Member Glover. The motion passed. 9/2.

Treasurer, Maria Walls stated that the Auditor has the authority to set a debt millage but the County Administrator explained how the 65.2 came to be and she believes that Council's intentions to further the millage rate was the breakdown mathematically but there was a scrivener's error. Collections right now are well over 98% and do not anticipate a 20% decline. The Treasurer's office had the lowest number of properties go to tax sale. The taxpayers are entitled to look at their bill and know exactly where the figures came from and just because they voted for a debt doesn't mean that they are required to pay an excess millage or a millage that is not necessary.

Council Member Hervochon asked how Council Member Sommerville's motion will affect the Auditor's office and if it is even legal, and how it is going to affect the taxpayers?

County Attorney Kurt Taylor stated he would consult with a Tax Lawyer and get those questions answered.

Treasurer, Maria Walls, stated that she doesn't feel like Council is getting the full picture of what can be done procedurally, that it can be changed based on special circumstances.

**Motion:** It was moved by Council Member Flewelling, seconded by Council Member Rodman to amend the Ordinance to show Rural and Critical lands at 5.8 mills. The Votes: Yea: Council Member Rodman, Council Member Flewelling. Voting Nay: Chairman Passiment, Vice Chairman Sommerville, Council Member Covert, Council Member Glover, Council Member Hervochon, Council Member Howard, Council Member Lawson, Council Member McElynn, Council Member Dawson. The Motion failed 2/8.

**Original Motion:** It was moved by Council Member Sommerville, seconded by County Council Glover to amend the language to correct 65.22 to 64.2 millage rate to be billed as specified mathematically in the original Ordinance. The Votes: Yea: Vice Chairman Sommerville, Council Member Glover, Council Member Covert, Council Member Dawson, Council Member Hervochon, Council Member Howard, Council Member Lawson, Chairman Passiment. Nay: Council Member Flewelling, Council Member McElynn, Council Member Rodman. The motion passed. 8:3.

**Public Hearing and Second Reading of an Ordinance- Text Amendment to the Community Development Code (CDC): Appendix B to Remove the Maximum Lot Size Requirement for Minor Residential Subdivisions in the D3 General Neighborhood (D3GN), The D4 Mixed-Use (D4MU); The Village Center (D5VC), and the Gateway Corridor (D5GC) Districts on Daufuskie Island**

**Motion:** It was moved by Council Member Flewelling, seconded by Council Member Howard to approve the Second Reading of an Ordinance- Text Amendment to the Community Development Code (CDC): Appendix B to Remove the Maximum Lot Size Requirement for Minor Residential Subdivisions in the D3 General

Neighborhood (D3GN), The D4 Mixed-Use (D4MU), The Village Center (D5VC), and the Gateway Corridor (D5GC) Districts on Daufuskie Island. Motion was approved without objection. 11:0.

**Public Hearing and Third Reading of an Ordinance Authorizing the Abandonment of an Existing Drainage Easement and the Acceptance of a Relocated Drainage Easement on Property Owned by the Grantor**

Motion: It was moved by Council Member Dawson, seconded by Council Member Flewelling to approve an Ordinance Authorizing the Abandonment of an Existing Drainage Easement and the Acceptance of a Relocated Drainage Easement on Property Owned by the Grantor. The motion was approved without objection. 11:0

**Third Reading of an Ordinance Authorizing the County Administrator to Negotiate and Execute a Lease Agreement with Mobile Communications America**

Motion: It was moved by Council Member Flewelling, seconded by Council Member Dawson to approve an Ordinance Authorizing the County Administrator to Negotiate and Execute a Lease Agreement with Mobile Communications America. The motion was approved without objection. 11:0

**Public Hearing and Third Reading of an Ordinance for a Zoning Map Amendment/Rezoning Request for 3 parcels (R600 021 000 0003 0000; R600 021 000 002A 0000; R600 021 000 003A 0000) on Graves Road from T2 Rural to C3 Neighborhood Mixed-Use; Applicant: Judy Graves, Kevin Graves, Jan McKim.**

Motion: It was moved by Council Member Howard, seconded by Council Member Flewelling to approve an Ordinance for a Zoning Map Amendment/Rezoning Request for 3 parcels (R600 021 000 0003 0000; R600 021 000 002A 0000; R600 021 000 003A 0000) on Graves Road from T2 Rural to C3 Neighborhood Mixed-Use; Applicant: Judy Graves, Kevin Graves, Jan McKim. The Votes: Yea: Chairman Passiment, Vice Chairman Sommerville, Council Member Rodman, Council Member Howard, Council Member Lawson, Council Member Dawson. Nay: Council Member Covert, Council Member Glover, Council Member Hervochon, Council Member McElynn, Council Member Flewelling. The motion was approved. 6:5.

**Public Hearing and Third Reading of an Ordinance to Authorize and Approve a Multi-County Park Agreement by and between Beaufort County and Jasper County Relating to The Trask East Solar, LLC, Project.**

Motion: It was moved by Council Member Flewelling, seconded by Council Member Glover to approve an Ordinance to Authorize and Approve a Multi-County Park Agreement by and between Beaufort County and Jasper County Relating to The Trask East Solar, LLC, Project. The motion was approved without objection. 11:0

**Public Hearing and Third Reading of an Ordinance- Zoning Map Amendment/Rezoning Request for 18.3 acres (R100 024 000 032A 0000, R100 024 000 0276 0000, R100 024 000 030C 0000, and R100 024 000 033A 0000) at the Intersection of Bay Pines Road and Laurel Bay Road from T2 Rural and S1 Industrial to C4-Community Center Mixed-Use District**

Motion: It was moved by Council Member Howard, seconded by Council Member Dawson to approve an Ordinance- Zoning Map Amendment/Rezoning Request for 18.3 acres (R100 024 000 032A 0000, R100 024 000 0276 0000, R100 024 000 030C 0000, and R100 024 000 033A 0000) at the Intersection of Bay Pines Road and Laurel Bay Road from T2 Rural and S1 Industrial to C4-Community Center Mixed-Use District. The motion was approved without objection. 11:0

**Public Hearing and Third Reading of an Ordinance Declaring Loud and Unnecessary Vehicular Noise a Public Nuisance and Providing That Violations Are a Misdemeanor**

**Public Comment:** The Thompsons commented that they are in support of this Ordinance.

**Discussion:** Council Member Covert stated that he believes this Ordinance to be arbitrary and capricious. It targets certain demographics within the County.

**Motion:** It was moved by Council Member McElynn, seconded by Council Member Dawson to approve an Ordinance Declaring Loud and Unnecessary Vehicular Noise a Public Nuisance and Providing That Violations

Are a Misdemeanor. The Votes: Yea: Chairman Passiment, Vice Chairman Sommerville, Council Member Glover, Council Member Rodman, Council Member Howard, Council Member Lawson, Council Member McElynn, Council Member Dawson, Council Member Flewelling. Nay: Council Member Covert, Council Member Hervochon. The motion passed. 9:2

Council Member Rodman wanted to discuss the school millage.

Chairman Passiment, stated that it is separate and apart and is a component part of the debt and his assumption is that the Auditor takes what is needed and develops the amount of millage to cover that debt.

Council Member Howard stated that she was told that they were \$600,000.00 short for that.

Chairman Passiment mentioned that the Auditor has taken the millage from 36.6 to 36.3 for millage because the School District has more money than they think they have.

Council Member Sommerville stated that this item is between the Auditor and the School District.

Chairman Passiment said that Council Member Sommerville is correct and this doesn't affect the County's budget.

Council Member Rodman believes that it is the County's responsibility because the Council approves the budget.

Mr. Taylor stated that the School District is the primary party of interest here but since Council does approve the budget for the School District, the Council would play a role in this situation. It depends on how far this Council would want to go by pushing the issue.

**CITIZEN COMMENTS**

Per Chairman Passiment, there were not more citizen comments pertaining to the agenda.

**ADJOURNMENT**

The meeting adjourned at 8:35 PM

COUNTY COUNCIL OF BEAUFORT COUNTY

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

Joseph Passiment, Chairman

ATTEST:

\_\_\_\_\_

Sarah W. Brock, Clerk to Council

Ratified: December 14, 2020