



**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 Hervochoch
Alice G. Howard
Mark Lawson
Lawrence P. McElynn
Stu Rodman

County Administrator

Ashley M. Jacobs

Clerk to Council

Sarah W. Brock

Administration Building

Robert Smalls Complex
100 Ribaut Road

Contact

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County Council Minutes

County Council of Beaufort County

Monday, March 23, 2020 at 6:00 PM

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

PRESENT

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

ABSENT

Council Member Gerald Dawson

CALL TO ORDER

Chairman Passiment Called the Meeting to order at 6:00PM

PLEDGE OF ALLEGIANCE AND INVOCATION

Due to Council Member Dawson being absent, Chairman Passiment led the pledge of allegiance and gave the invocation.

FOIA COMPLIANCE

Sarah W. Brock, Clerk to Council, confirmed that public notification of the meeting was published, posted, and distributed in compliance with the South Carolina Freedom of Information Act.

APPROVAL OF AGENDA

Motion: It was moved by Council Member Rodman, Seconded by Council Member Flewelling. The Vote - Voting Yea: Chairman Passiment, Vice Chairman Sommerville, Council Member Covert, Council Member Glover, Council Member Hervochoch, Council Member Rodman, Council Member Howard, Council Member Lawson, Council Member McElynn, Council Member Flewelling. The motion passed 10:0.

APPROVAL OF MINUTES

Motion: It was moved by Council Member Flewelling, Seconded by Council Member Howard to approve the minutes from February 10, 2020. The Vote - Voting Yea: Chairman Passiment, Vice Chairman Sommerville, Council Member Covert, Council Member Glover, Council Member Hervochon, Council Member Rodman, Council Member Howard, Council Member Lawson, Council Member McElynn, Council Member Flewelling. The motion passed 10:0.

CHAIRMAN'S MINUTE

Chairman Passiment made note that Council is sitting spaced out in an attempt to comply with Social Distancing requirements. He then addressed meeting electronically in the future and how the public could participate moving forward.

ADMINISTRATOR'S REPORT

Administrator Jacobs stated during a call this morning 298 cases statewide and DHEC is projecting that by April 1st SC could have 1700 cases. She stressed the importance of social distancing and emphasized that Social Distancing was the only way Beaufort County was going to get out of this. She added that Beaufort County is still open for business, still collecting revenue, still receiving applications, these transactions are just having to be done by phone, via web or by email because she is trying to protect her employees and the public. She also mentioned that without an executive order from the Governor giving local government the authority to shut down businesses still operating, this step is not an option. Administrator Jacob update Council on the following:

- * COVID-19 impact to Medical
- * PPE for First Responders
- * Hospital Capacity
- Federal Disaster Declaration
- * Enhanced information from DHEC
- * Open Burning
- * Detention Center
- * Small Business Loans
- * Conference Call with Mayor's
- * Blood Drives
- * Hospitality/Service Worker unemployment *
- * Priority Testing for Service Responders
- * COVID Paid Sick Leave Provision by the State
- * Beaufort County COVID cases and Deaths
- * Networking with Neighboring Counties

Click on the link below to hear the County Administrator's full update.

https://beaufort.granicus.com/player/clip/4691?view_id=15

CITIZEN COMMENTS

The Chairman opened the meeting for Citizen Comment

1st Citizen Comment Email –

Sender, Celia Meyer

Please consider putting a burn ban in effect for Beaufort county for the duration of the COVID-19 crisis. Individuals are trying to stay home and do their part by isolating themselves. Neighbors are burning which is exacerbating individuals' respiratory illnesses and issues. Increase in respiratory issues caused by burning increases patient's medical, ED visits and hospitalizations. These individuals are already at high risk. A trip to be evaluated medically at this time could also expose an individual to COVID-19. Please put a burn ban in effect and decrease the burden on an already overwhelmed medical system, including first responders and fire department. I am staying home doing my part. I would appreciate being able to be outside enjoying my property during this time. Not inside hiding from the smoke. As you are aware currently there are not masks available for individuals with respiratory issues to purchase to wear to protect themselves. Please help us have clean air to breathe during this very difficult time.

2nd Email was from Kim Mcfann

All of those reusable bags at the grocery and other stores put all of us at unnecessary additional risk of contracting disseminating corona virus. Reusable bags should be temporarily banned and the ban on plastic should be temporarily lifted

Charles and Diane Lacy- regarding stance on tourism.

Jessie White, South Coast Office Director

Thank you for the opportunity to comment on the behalf of the Coastal Conservation League regarding the proposed ordinance to amend Article 1, Section 1.3.50 of the Beaufort County Community Development Code, in order to provide public service uses in any zoning district. It is our understanding that this ordinance would empower the County to change allowable land uses on county-owned property located in zones, like T1 Natural Preserve, to provide public service and safety needs not currently permitted within such zoning districts. In addition, such changes would not be made in response to an emergency, and indeed an exemption to provide emergency services already exists under the Code. The ordinance would also allow those changes to occur in an expedited fashion, via a fifteen day public notice and a single public hearing. In so doing, the County can avoid re-zoning properties to achieve the same goal and, therefore, avoid the readings and public hearing associated with rezoning and/or creating donut-hole zoning. We have concerns about the long-term implications of this amendment. The true purpose and need remain unclear but the potential to undermine the reasoned and informed land use and zoning decisions set forth in our Comprehensive Plan and Development Code is high. We also believe that the proposed amendment to the Code is significant and should include more opportunities for public input, particularly since the changes envisioned are not contingent upon an emergency situation in which time is of the essence.

SC Coastal Conservation League

Please vote NO on this ordinance. The wording of this ordinance is subjective. All adjectives "loud, unnecessary, obnoxious, and excessive" are undefined and open to interpretation. What exactly is a "quick" up or downshift? The noise test is at idle but traffic does not operate at idle so this is a bad test. Due process is undermined by the enforcement officer becoming Judge, Jury & Executioner. This is not what America is supposed to be.

This ordinance is contrary to justice & civil rights.

Please vote "No."

Phone Calls:

Zayne Lewis: Would like to postpone the Noise Ordinance so he can speak on behalf of Bikers Against Bullies.

Mr. Johnson: Would like to second Mr. Lewis' request to postpone the Noise Ordinance.

Citizen regarding curbside service for the Library and closings the sandbars and piers.

Mr. McKenzie: Would like to postpone Noise Ordinance and potentially profiling of bikers.

Citizen: Burn ban

End of Citizen Comments

PROCLAMATIONS AND PRESENTATIONS

Council Member McElynn presented a proclamation honoring March as Disabilities Awareness Month.

Presentation regarding the County's FY 2019 Comprehensive Annual Financial Report- David Irwin, Maulding & Jenkins CPA's & Advisors

Mr. Irwin presented the results from the FY 2019 Financial Audit. CAFR was provided and was awarded the Certificate of Achievement for Excellence of Financial Reporting. Mr. Irwin touched base on all of the funds, expenditures, profits, general fund balances, and capital improvement throughout the CAFR audit for the County and complements how great the CAFR was presented and put together.

Council Member Covert requested that Mr. Irwin clarify the depreciation amount for Hilton Head Airport. Mr. Irwin stated that the Hilton Head Island Airport had an operating loss this year and of around \$434,000.00 but included depreciation of \$569,000.00. Depreciation is a non cash item.

Council Member Rodman wanted to mention, regarding the reserve fund, that a financial policy was recently put forward as to what our available cash balance was and that there was to be a certain minimum. This would include potential borrowing. I think we could use a letter regarding that from the Finance Department.

Council Member Hervochon requested more details on the Internal County Garage Fund. Director of Finance, Alicia Holland explained that there is a garage that serves all of our County agencies as well as other outside entities.

COMMITTEE REPORTS

Liaison and Committee Reports

Council Member Howard updated the Council on Natural Resources. There is a new Board Member for Rural Critical Lands, Hugh McFee from District 7. Process flow chart was discussed and approved a draft of that and they are still working on a new application form for anyone wanting to put their land under the Rural and Critical Program. In April there will be a Greenprint change order to be issued and that will be discussed at the Natural Resources Committee. The Library is now issuing temporary library cards.

Council Member Flewelling stated that the Lowcountry Council of Government has closed to the public but will be available by phone.

Council Member McElynn wanted to comment on the Noise Ordinance stating that the public will have an opportunity speak, April 13th, if we are still having closed meetings adjustments would be made to have the public input. He further stated that this Ordinance does not take any privilege away from those who own a vintage car and is intended for operators that have altered their muffler system which violates State Law.

TIME SENSITIVE ITEMS ORIGINATING FROM THE EXECUTIVE COMMITTEE MEETING HELD ON MARCH 23rd AT 5:00 PM.

Approval of a Resolution amending County Council's Rules and Procedures by establishing standards for electronic meetings as authorized by the Freedom of Information Act SC Code of Laws 30-4-10 et. Seq. for County Council and County Council Committee meetings during a State of Emergency.

Motion: It was moved by Council Member Covert, Seconded by Council Member Flewelling to approve a Resolution amending County Council's Rules and Procedures by establishing standards for electronic meetings as authorized by the Freedom of Information Act SC Code of Law 30-4-10 et. Seq. for County Council and County Council Committee meetings during a State of Emergency. The Votes - Voting Yea: Chairman Passiment, Vice Chairman Sommerville, Council Member Covert, Council Member Glover, Council Member Hervochon, Council Member Rodman, Council Member Howard, Council Member Lawson, Council Member McElynn, Council Member Flewelling. The motion passed 10:0.

Council Member Flewelling wanted to point out on page 2 section 1 paragraph G 3rd line under addition information is stays “should generally be accepted in” should be “should generally accepted and”.

First Reading of a Ordinance authorizing the conveyance of real property associated with boundary of 50’ Right of Way known as Fiddler Drive located on Lady’s Island

Discussion: Beaufort County paved Fiddler Drive as part of paving Contract 31. During this time period, County Maintained roads were considered prescriptive Right of Way and although the County does not have a clear instrument of ownership, plats dating back to the 1970s and prior Beaufort County Tax maps designated Fiddler Drive as a ROW.

Motion: It was moved by Vice-Chairman Sommerville, Seconded by Council Member Flewelling to approve a an Ordinance authorizing the conveyance of real property associated with boundary of 50’ Right of Way known as Fiddler Drive located on Lady’s Island. The Votes - Voting Yea: Chairman Passiment, Vice Chairman Sommerville, Council Member Covert, Council Member Glover, Council Member Hervochon, Council Member Rodman, Council Member Howard, Council Member Lawson, Council Member McElynn, Council Member Flewelling. The motion passed 10:0.

ACTION ITEMS

First Reading of an Ordinance amending Beaufort County Ordinance Number 1975-2, EMS Service Fees

Discussion: Ems User Fees have not been updated since 2005. These are costs associated with providing citizens with the highest quality EMS service, mileage rates, fuel, medications and disposable supplies. All fees collected are returned to the General Fund for County Operations.

Council Member Covert wanted Mr. Foot to clarify that these aren’t new taxes or fees. Mr. Foot stated that after reviewing other Counties fee schedule we wanted to update our County to be at par with those fees.

Council Member Hervochon is it fair to say that you are trying to recoup some of the lost Medicare and Medicaid right-offs. Mr. Foot responded, yes but there will always be a write off with these types of insurance. Council Member Hervochon wanted Mr. Foot to give him an idea of how much an average ambulance ride would be for someone with absolutely no insurance. Mr. Foot said that they will on average have an increase of \$100- \$125.

Council Member Sommerville wanted to know if there are negotiated fees from private insurance. Mr. Foot explained that EMS is not considered a provider to negotiate fees and even with insurance there will be write offs.

Council Member Glover would like to see these fees reviewed every two or three years periodically, so there will be a more gradual increase instead of a huge increase after fifteen years.

Council Member Rodman mentioned that the items we are collecting less on should be reviewed sooner than letter.

Motion: It was moved by Council Member Rodman, Seconded by Council Member Flewelling to approve an Ordinance amending Beaufort County Ordinance Number 1975-2, EMS Service Fees. The Votes - Voting Yea: Chairman Passiment, Vice Chairman Sommerville, Council Member Covert, Council Member Glover, Council Member Hervochon, Council Member Rodman, Council Member Howard, Council Member Lawson, Council Member McElynn, Council Member Flewelling. The motion passed 10:0.

First Reading of an Ordinance authorizing the County Administrator to execute a Facility Use Agreement encumbering property owned by Beaufort County known as Fort Fremont Preserve.

Motion: It was moved by Council Member Glover, Seconded by Council Member Howard to approve an Ordinance authorizing the County Administrator to execute a Facility Use Agreement encumbering property owned by Beaufort County known as Fort Fremont Preserve. The Votes - Voting Yea: Chairman Passiment, Vice Chairman Sommerville, Council Member Covert, Council Member Glover, Council Member Hervochon, Council Member Rodman, Council

Member Howard, Council Member Lawson, Council Member McElynn, Council Member Flewelling. The motion passed 10:0.

First Reading of an Ordinance authorizing the County Administrator to execute the Widgeon Point Preserve 2020 Joint Ownership and Operating Agreement with the Beaufort County Open Land Trust

Motion: It was moved by Council Member Flewelling, Seconded by Council Member Hervocho to approve an Ordinance authorizing the County Administrator to execute the Widgeon Point Preserve 2020 Joint Ownership and Operating Agreement with the Beaufort County Open Land Trust. The Votes - Voting Yea: Chairman Passiment, Vice Chairman Sommerville, Council Member Covert, Council Member Glover, Council Member Hervocho, Council Member Rodman, Council Member Howard, Council Member Lawson, Council Member McElynn, Council Member Flewelling. The motion passed 10:0.

CONSENT AGENDA

1. **Second Reading of an Ordinance amending the Beaufort County Code of Ordinances, Section 74-64, Adoption of Building Codes**
2. **Second Reading of an Ordinance declaring Loud and Unnecessary Vehicular noise a Public Nuisance and providing that violations are a Misdemeanor**
3. **Approval of a Resolution supporting certifications and assurances to the SC Department of Transportation for a State Mass Transit Funds (SMTF) Grant**
4. **Second Reading of an Ordinance authorizing the County Administrator to execute two lease agreements encumbering property owned by Beaufort County known as a portion of TMS#R600 013 000 0005 0000, R600 013 000 003C 0000, AND R600 008 000 003F 0000**
5. **Second Reading of an Ordinance to appropriate grand awards to local entities from the County's Local (3%) Accommodations Tax and Local Hospitality Tax Collections for the year ending June 30, 2019 in the amount of \$4,000,000**
6. **Second Reading of an Ordinance regarding a Text Amendment to The Community Development Code (CDC): Article 1, Section 1.3.50 Applicability And Jurisdiction – Exemptions To Address County Public Service Uses**
7. **Second Reading of an Ordinance conveying real property (right of way) from Beaufort County to SCDOT - For the Boundary Street Renovation Project**

Chairman Passiment asked Council if there were any items they would like to lift off the Consent Agenda. Council Member Covert stated he would like to remove item number 2. Council Member Flewelling stated would like to remove item number 6 and Council Member Rodman stated he would like to remove item number 5.

Motion: It was moved by Council Member Flewelling, Seconded by Council Member Hervocho to approve the Consent Agenda minus items 2, 6 and 5. The Votes - Voting Yea: Chairman Passiment, Vice Chairman Sommerville, Council Member Covert, Council Member Glover, Council Member Hervocho, Council Member Rodman, Council Member Howard, Council Member Lawson, Council Member McElynn, Council Member Flewelling. The motion passed 10:0.

Item 2 - Second Reading of an Ordinance declaring Loud and Unnecessary Vehicular noise a Public Nuisance and providing that violations are a Misdemeanor

Motion: It was moved by Council Member Flewelling, seconded by Council Member Covert to delay second reading and public hearing of an Ordinance declaring Loud and Unnecessary Vehicular noise a Public Nuisance and providing that violations are a Misdemeanor for one month, 30 days, to the April 27th meeting. The Votes - Voting Yea: Chairman Passiment, Vice Chairman Sommerville, Council Member Covert, Council Member Glover, Council Member Hervocho,

Council Member Rodman, Council Member Howard, Council Member Lawson, Council Member McElynn, Council Member Flewelling. The motion passed 10:0.

EXTEND PAST 8

Motion: It was moved by Council Member Rodman, seconded by Council Member Flewelling to extend the meeting beyond the 8 o'clock hour. The Votes - Voting Yea: Chairman Passiment, Vice Chairman Sommerville, Council Member Covert, Council Member Rodman, Council Member Howard, Council Member Lawson, Council Member Flewelling. Voting Nay: Council Member Glover, Council Member Hervochoon, Council Member McElynn. The motion passed 7:3.

Item 5 - Second Reading of an Ordinance to appropriate grand awards to local entities from the County's Local (3%) Accommodations Tax and Local Hospitality Tax Collections for the year ending June 30, 2019 in the amount of \$4,000,000

Main Motion: It was moved by Council Member Flewelling, seconded by Council Member Rodman to approve Second Reading of an Ordinance to appropriate grand awards to local entities from the County's Local (3%) Accommodations Tax and Local Hospitality Tax Collections for the year ending June 30, 2019 in the amount of \$4,000,000.

Motion to Amend: It was moved by Council Member Rodman, seconded by Vice Chairman Sommerville to remove \$196,000 for Haig Point landing improvements and postpone until preferred alternatives are issued but approve the remaining balance of the funds allotted for this item.

Discussion: Deputy County Administrator, Chris Inglese stated this putting this off to wait for the alternative would disrupt the efforts to keep the Daufuskie Ferry inline.

Motion to Amend: The Votes - Voting Yea: Council Member Rodman. Voting Nay: Chairman Passiment, Vice Chairman Sommerville, Council Member Howard, Council Member Lawson, Council Member Flewelling, Council Member Covert, Council Member Glover, Council Member Hervochoon, Council Member McElynn. The motion failed 1:9.

Back to Main Motion: The Votes - Voting Yea: Chairman Passiment, Vice Chairman Sommerville, Council Member Covert, Council Member Glover, Council Member Hervochoon, Council Member Rodman, Council Member Howard, Council Member Lawson, Council Member McElynn, Council Member Flewelling. The motion passed 10:0.

Item 6 - Second Reading of an Ordinance regarding a Text Amendment to The Community Development Code (CDC): Article 1, Section 1.3.50 Applicability And Jurisdiction – Exemptions To Address County Public Service Uses

Discussion: Eric Greenway, Director of Planning and Zoning, stated this ordinance amendment simply gives council the option to establish public service uses necessary to meet their governmental obligations. It is just a tool that will be available for council.

Motion: It was moved by Council Member McElynn, Seconded by Council Member Howard to approve Second Reading of an Ordinance regarding a Text Amendment to The Community Development Code (CDC): Article 1, Section 1.3.50 Applicability And Jurisdiction – Exemptions To Address County Public Service Uses. The Votes - Voting Yea: Chairman Passiment, Council Member Glover, Council Member Howard, Council Member Lawson, Council Member McElynn. Voting Nay: Council Member Flewelling, Vice Chairman Sommerville, Council Member Covert, Council Member Hervochoon, Council Member Rodman. The motion failed 5:5.

EXECUTIVE SESSION

Council Member Flewelling stated council received a packet of information pertaining to the purchase of property through the Rural and Critical Lands Program, Project ID 2020 A and therefore no executive session was needed.

Motion: It was moved by Council Member Flewelling, Seconded by Council Member Howard to adopt the ordinance provided in the backup regarding the purchase of property through the Rural and Critical Lands Program known as

Project ID 2020A. The Votes - Voting Yea: Chairman Passiment, Council Member Glover, Council Member Howard, Council Member Lawson, Council Member McElynn, Council Member Flewelling, Vice Chairman Sommerville, Council Member Covert, Council Member Hervochon, Council Member Rodman. The motion passed 10:0.

Motion: It was moved by Council Member Sommerville, Seconded by Council Member Glover to proceed with purchase of property and to partner with the City of Beaufort to purchase a 50 percent interest in a parcel of land known as the Gray Family Property using the course of action as outlined by legal counsel. The Votes - Voting Yea: Chairman Passiment, Council Member Glover, Council Member Howard, Council Member Lawson, Council Member McElynn, Council Member Flewelling, Vice Chairman Sommerville, Council Member Covert, Council Member Hervochon, Council Member Rodman. The motion passed 10:0.

CITIZEN COMMENT

The Chairman opened the meeting for Citizen Comment

Council Member Lawson read the following email from Sandy Thompson -
During this recent pandemic, the lack of respect by a few has surfaced in our community along with the generosity, kindness and dedication of many. That lack of respect element has caused a hardship for many. This same lack of respect is what is happening in our county when it comes to illegal, excessive loud mufflers. They feel they are entitled to do whatsoever to their vehicles to make them perform in this excessive loud manner, then drive them wherever they want and the public should be at peace, and not complain. They believe their noise is their Freedom and we all should sit back and listen to it. We did a lot of due diligence when we moved off Lady's Island in Late June 2017. For seven months, we spent almost the entire day working outside at our current residence in unincorporated Beaufort county. It was peaceful. For whatever reason, probably because they could. The illegal mufflers became an almost constant issue. It is not just our community; it is throughout the entire county. These cars are driven aggressively with no respect for anyone. We have a friend on Bay Pines with a tractor. We can stand at the end of the road as he plows and only hear a hum. Yet the road is inundated with excessively loud cars, which disrupts the peace of the neighborhood. We ask that the unincorporated areas of Beaufort County have an ordinance that can be used as a tool to help control this excessive and aggressive noise problem. This ordinance would bring the unincorporated area of the county on board with the incorporated areas and may send a message.

ADJOURNMENT

Council Member Covert requested that Council adjourn in memory of Jeffrey Robinowich.

Meeting adjourned at 8:10PM